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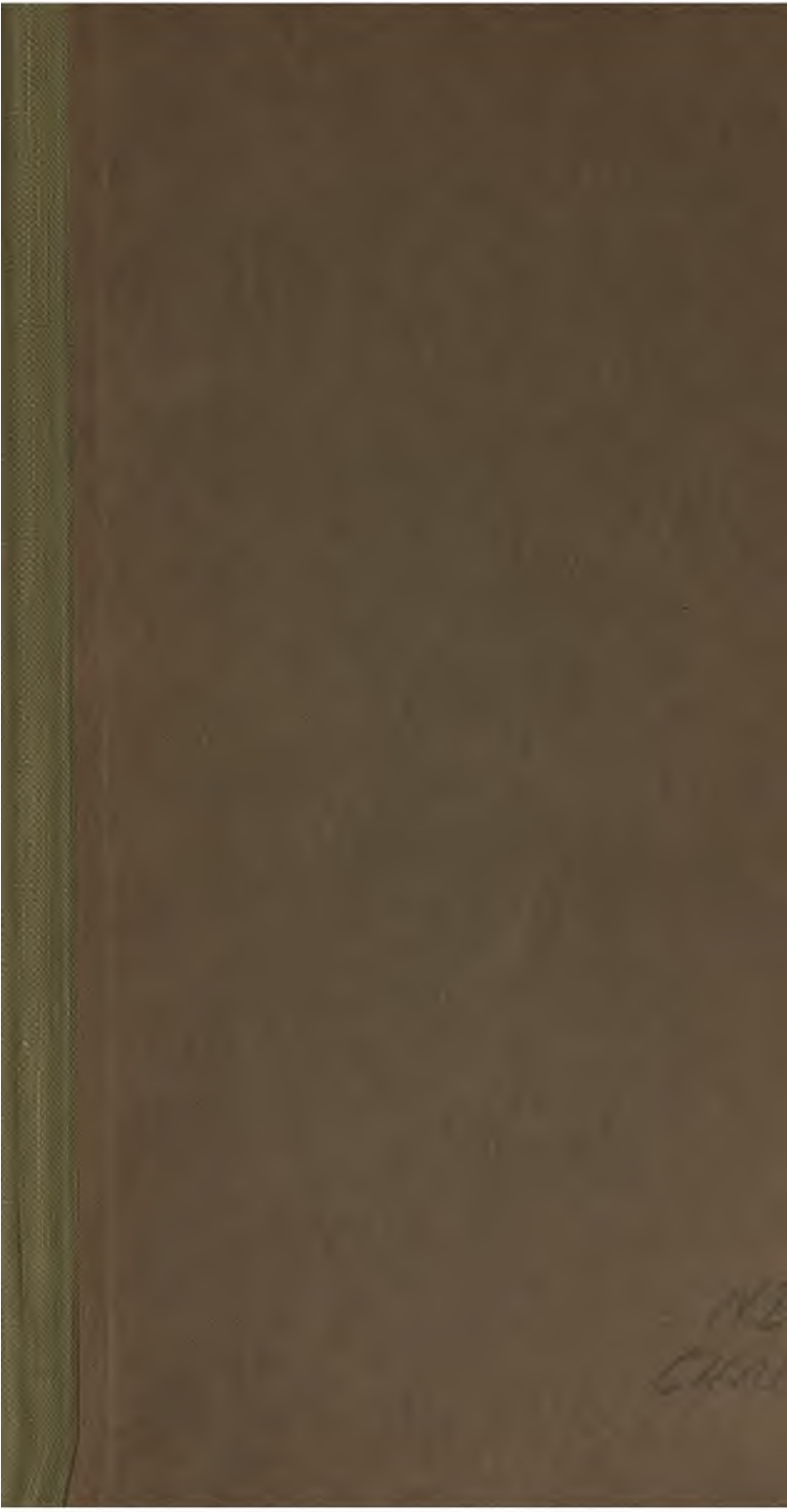
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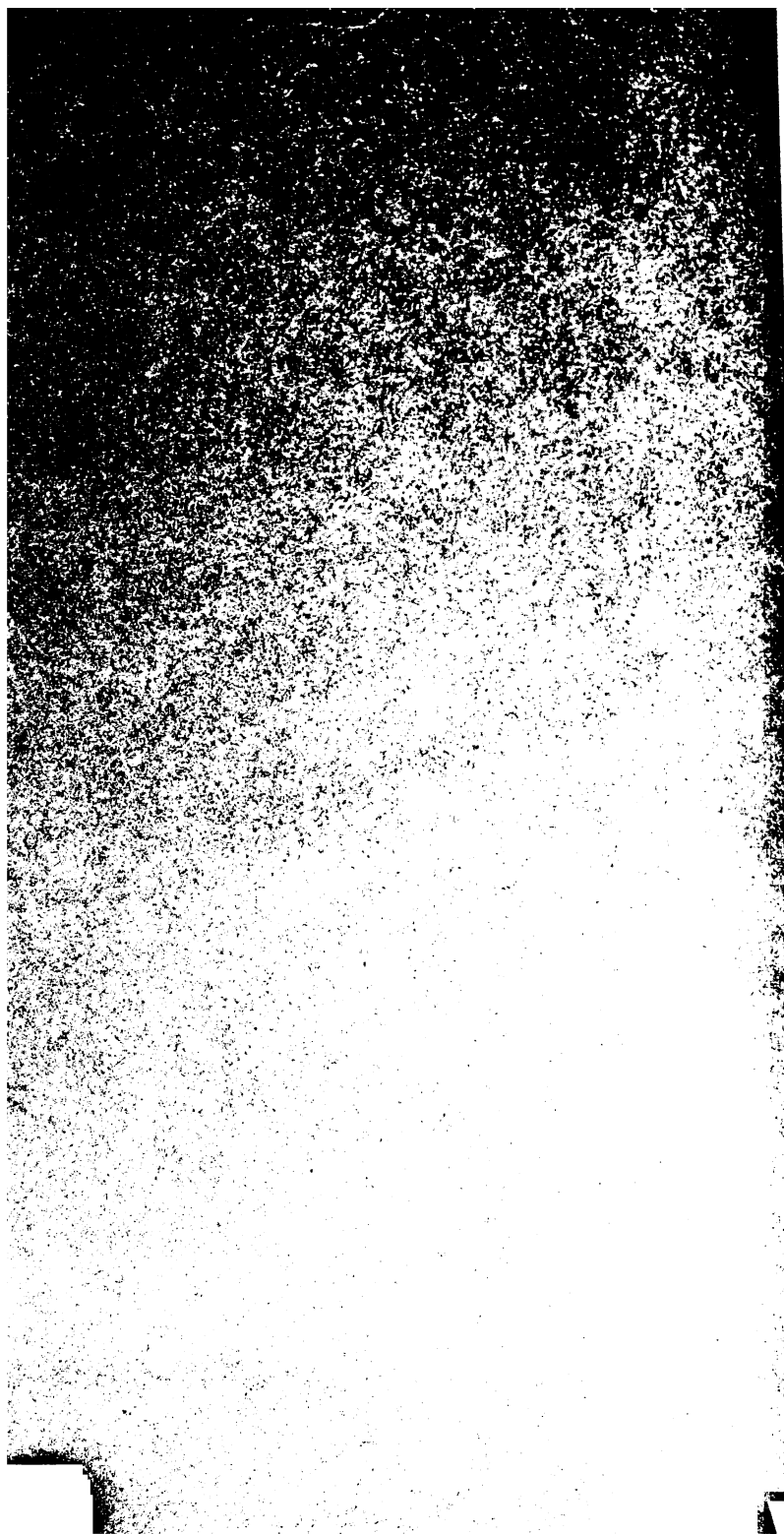
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SELECT
SPEECHES,

FORENSICK AND PARLIAMENTARY,

WITH PREFATORY REMARKS.

BY

N. CHAPMAN, M. D.

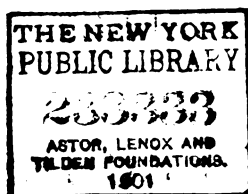
**HONORARY MEMBER OF THE ROYAL MEDICAL SOCIETY OF
EDINBURGH, AND MEMBER OF THE AMERICAN
PHILOSOPHICAL SOCIETY, &c. &c.**

*Pietate gravem ac meritis si forte virum quem
Conspexere, silent, arrectisque auribus astant;
Ille regit dictis animos et pectora mulcet.....VIRG.*

VOL. I.

**PUBLISHED BY HOPKINS AND EARLE,
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1808.



DISTRICT OF PENNSYLVANIA, TO WIT:

(L. S.) BE IT REMEMBERED, That on the first day of August, in the thirty-second year of the independence of the United States of America, A. D. 1807, Nathaniel Chapman, M. D. of the said district, hath deposited in this office, the title of a book, the right whereof he claims as proprietor in the words following, to wit :

“ SELECT SPEECHES, Forensick and Parliamentary, with prefatory remarks. By N. Chapman, M. D. honorary member of the Royal Medical Society of Edinburgh, and member of the American Philosophical Society, &c. &c.

—Pietate gravem ac meritis si forte virum quem
Conspexere, silent, arrectisque auribus astant ;
Ille regit dictis animos et pectora mulcet...VIRG.”

In conformity to the act of the Congress of the United States, entitled, “ An act for the encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned.” And also to the act, entitled “ An act supplementary to the act, entitled, ‘ An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned,’ and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,
Clerk of the District of Pennsylvania.

NOV 18 1807
CLERK
VIRGIL

TO

JOSEPH DENNIE, ESQUIRE,

WHOSE

PRINCIPLES ARE AS STEDFAST,

AS •

THEY ARE KNOWN TO BE CATHOLICK,

AND

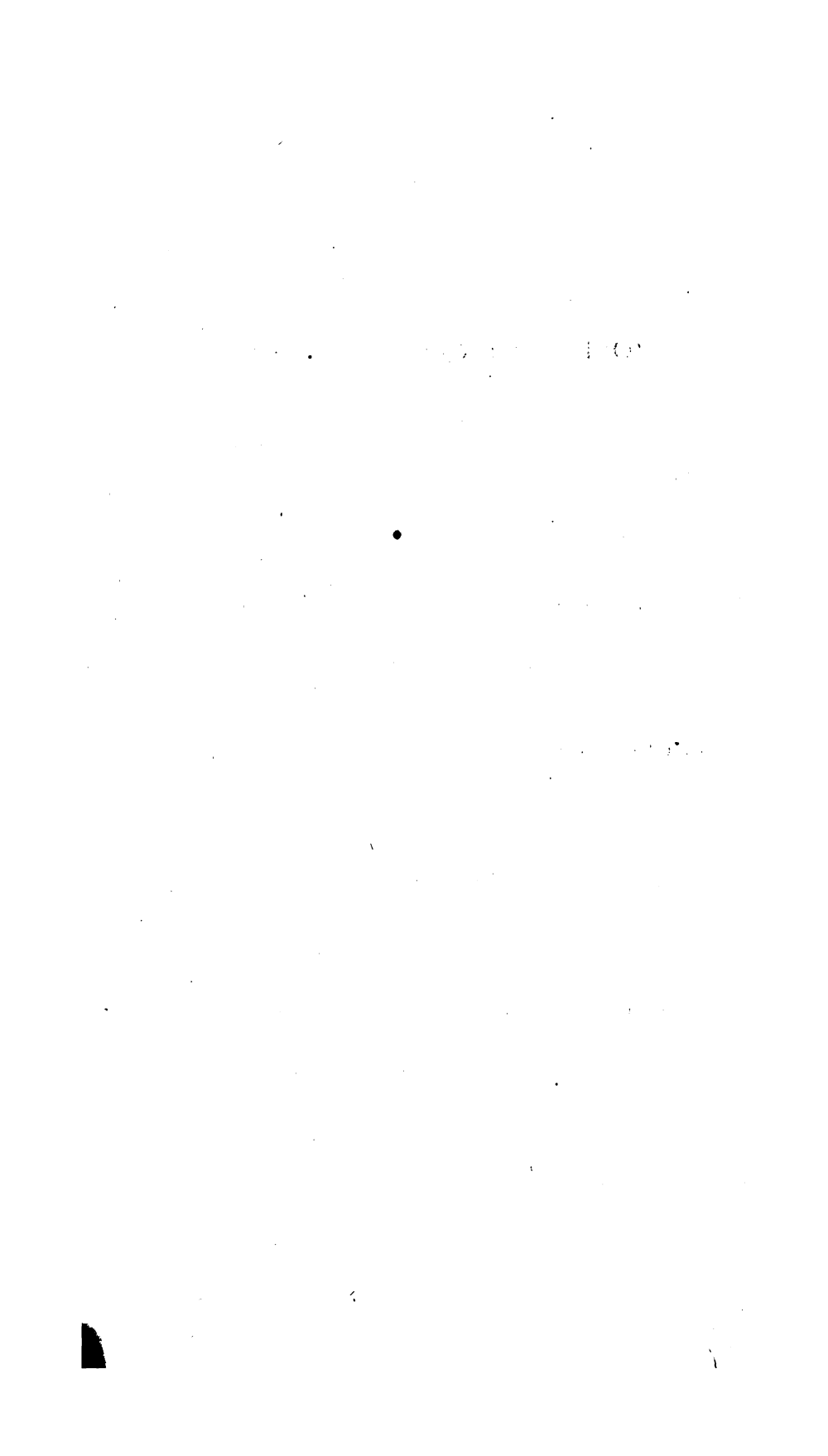
WHOSE VIRTUE IS AS PURE AS HIS GENIUS
IS CONFESSEDLY SPLENDID,

THIS HUMBLE ATTEMPT

TO

RECORD THE ELOQUENCE OF MODERN TIMES,

IS INSCRIBED.



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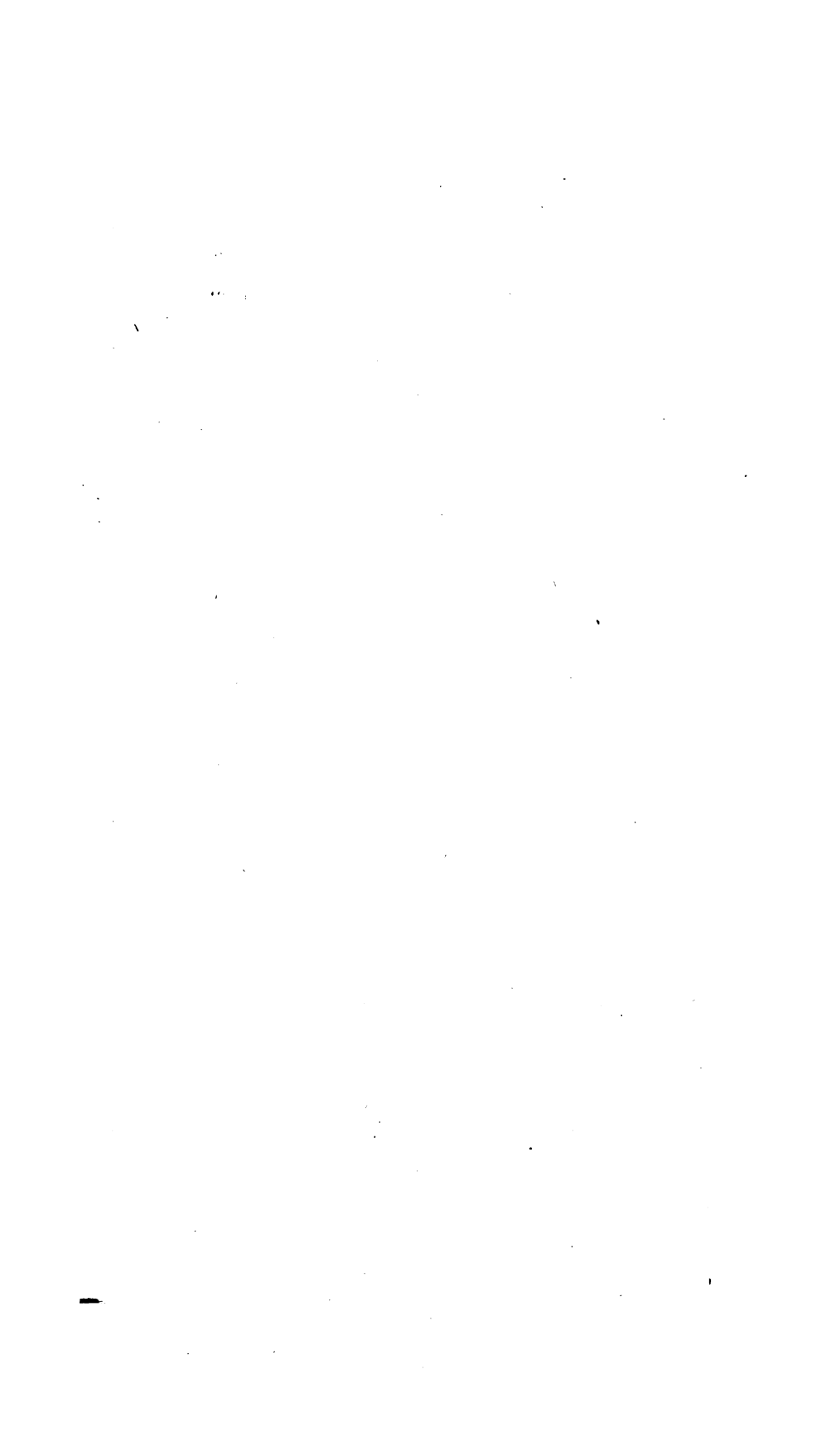
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PREFACE.

OF all the studies which can engage industry, or allure genius, perhaps that of eloquence is the most enchanting. To this delightful occupation the Editor has devoted some of his time, and all his zeal. The result of his labours is now laid before the publick, and though he may receive but limited applause for the execution, yet, he hopes that the design may escape censure.

He presumes, but not vainly, that he has not been forestalled in this literary undertaking. Notwithstanding the choice and variety of materials, the enterprise and judgment of booksellers, and the liberal curiosity of enlightened readers; notwithstanding national pride and individual vanity, no ample specimen of forensick and parliamentary eloquence has ever appeared even in the metropolis of the British Empire.

Distinguished as Ireland certainly is, by glorious efforts of the most impassioned oratory, she has been supinely negligent of her fairest fame, and the busy curiosity of Dublin, and the more judicious inquisitiveness of her University, have been satisfied with the garbled and meagre reports of the speeches of Malone, of Flood, of Burgh, and of Grattan.

Scotland, a region abounding with acute and eloquent speakers, and conspicuous alike for her Faculty of Advocates, and her General Assembly, has also been careless to preserve the monuments of her eloquence.

Even in France, so memorable for the vivacity and copiousness of her rhetorick, we might inquire in vain for some of the most brilliant effusions of her Parliament and her Convention.

In short, though in many sections of Europe, single speeches in fugitive pamphlets may have been accidentally, gratuitously, or venally preserved, nothing like a collection has hitherto been compiled by Industry, or selected by Taste.

The Editor, trusting to diligence alone, hopes, not without anxiety, that by the publication of this work he is rendering an acceptable service to the republick of letters. With the volumes now presented to the publick, he completes that portion of the work which is appropriated to the eloquence of Europe. He may, at a future period, not too remote, add to the collection a volume of American

speeches; and if he receive adequate encouragement, he will cheerfully, at proper intervals, continue the series. Eager to vindicate the insulted Genius of his native land, he is sensible that in no way can it be done more successfully than by *exhibiting its eloquence*. For, if *our writers* form but a small company, the regiment of our *speakers* is full. It may be safely affirmed, that since the Athenian democracy, with no people has the talent of publick speaking so generally prevailed. Eloquence of the highest order, and the purest species, we may not have attained. But though we have not emulated those lofty strains and brilliant effusions which the ancient specimens display, or are to be seen in some of the spirited harangues that the momentous events of modern Europe have inspired, yet in that style of oratory, which shines without dazzling, and charms rather than excites astonishment, or kindles enthusiasm, we are extensively gifted and eminently excel. There have been, perhaps, brighter luminaries, but not a greater constellation. Collectively, we are entitled to boast of as much eloquence as has been exhibited in any age or country.

A well grounded conviction of the value of a compilation like the present, induced the Editor to take a wide survey of the Rhetorick of Europe. His researches, though sometimes baffled, have, on the whole, been rewarded with a success very disproportioned to the moderate expectations with which he commenced his task. From the cabinets of the curious, and from the hoards of "literary misers" he drew indeed such a profusion of materials as to have ultimately imposed upon him rather the

perplexity of selection than the toil of gleanings. But, still, some speeches which he has studiously endeavoured to procure, have eluded his inquiries, and he fears are irretrievably lost.* Nevertheless, the Editor pronounces with some degree of confidence that his collection will be found to contain not a few of the noblest specimens of eloquence which at the bar, or in the senate, have delighted, roused, defended, or governed mankind.

The volumes now published, embrace the whole of the *revised speeches* of Burke which are contained in the recent edition of his works; more than has before appeared of Chatham's; many of the speeches of Fox and Pitt; several of Mansfield's; the two *memorable speeches* of Sheridan on the trial of Hastings; *all of the pleadings* of Erskine and of Curran which are *faithfully* reported; the best speeches on the *Slave Trade*; Mc'Intosh's celebrated defence of Peltier, besides a large selection of *Irish eloquence*, and some speeches of the "olden time."

This catalogue, so rich and so various, surely requires only to be exhibited to give a pledge, at once,

* Although the Editor has omitted no practicable mode of research; though he has availed himself of the very valuable assistance of one of the most diligent inquirers among the Literati of Great Britain, and publickly advertised, and privately written for the necessary documents, he has been disappointed in his attempts to obtain the speeches of Lord Lyttleton the younger, the famous Harangue of William Gerard Hamilton; the speeches of Charles Townsend; the pleadings of Murray, Thurlow, Wedderburne, Dunning, and Anthony Malone!

of the value of the work, and of the care and exertion with which it has been prepared.

In the collation of the contents of these volumes, the editor, rejecting vague reports, and newspaper authority, has been particularly solicitous to select such orations and pleadings, as have undergone the revision, or been published under the superintendence of the author. He has been sedulous to follow with fidelity the text, nor ever presumed foolishly, if not flagitiously, to interpolate the copy; a practice, which of late, has become a sort of fashion in America, to the confusion of authors, and to the prejudice of learning.

He has made indisputable evidence of the genuineness of every speech, the criterion of his choice, and has admitted no one into the work, which is not distinguished either by importance of matter or brilliancy of diction.

Without hazarding a decision of his own, on the question of the ædns riority of ancient or modern eloquence, he trusts that this compilation will not be thought to weaken the opinion that, were a collection of the best specimens of the latter to be formed, it might fearlessly challenge a comparison with the celebrated exhibitions of Grecian and Roman oratory.

Of the pretensions of the work to publick favour the Editor conceives little more need be said.

It is an attempt, and the only one, to perpetuate Modern Eloquence.

What direct memorial, says a late writer,* would remote posterity have received, even of the existence of the talent, were not a few of Mr. Burke's Oration's incorporated with his works? But, gorgeous as is certainly the rhetorick of Edmund Burke, will his speeches alone convey an adequate representation of the extent, variety, and richness of the eloquence of modern times?

It presents at one view to the Lawyer and Statesman a mass of learned and lucid discussions of politicks and jurisprudence, which must be eminently subsidiary to his investigations, and which, as hitherto dispersed were always difficult of access, and in many instances not to be procured.

It will exhibit correct models for the study of Elocution to the rising genius of the country.

Whether we have regard to reputation or to utility, whether we wish to shine in private conversation or in publick speaking, the study of the *finest models* is vital to success. These are the guides by which genius must be directed, and without which the strongest intellect may be fruitlessly or deviously employed. It has been no less justly, than elegantly asserted by an admirable instructor† of the most correct and delicate taste in the liberal arts, and who rigorously observed his own maxims, "that an implicit obedience to the rules of art, as established by the great masters, should be exacted from the juvenile student. When genius has received its utmost improvement,

* Dr. Parr.

† Sir Joshua Reynolds.

rules may possibly be dispensed with. But let us not destroy the scaffold, until we have raised the building."

These are precepts which seem no less applicable to the study of eloquence. They are, at least, the precepts which are enjoined by the highest authority of antiquity. Both Cicero and Quintilian exhort their pupils to adhere to the *established models*, lest they fall into a wild licentiousness of taste.

"Poeta nascitur, Orator fit."

The orator is the creature of education.

By a system of rhetorical discipline, Bolingbroke and Pultney, Murray and Pitt, Lyttleton and Burke, Townshend and Fox, attained their glorious pre-eminence, and alternately at the desk or the toilet, in conversation or in council, were able to convince, to persuade, to dazzle, and to delight.

The student, who with a mixture of enthusiasm and industry shall "*meditate*" the contents of this work can hardly fail to acquire the habit of *conversing* and *speaking* with elegance and energy.

Whatever tends to improve or widen the dominion of speech cannot be an object of indifference to a *Free People*. Eloquence has always been admired and studied; but never with more ardour and success than by republicans. It engages particularly their attention, because it opens to them the widest avenue to distinction. Compared to it, the influence of the other attributes which elevate to rank, or confer

authority is feeble and insignificant. In Greece and Rome it rose by assiduous culture to the loftiest pitch of refinement, and the history of those Commonwealths confirms, by innumerable proofs, the truth that "Eloquence is power."

But no where has a condition of things prevailed holding out stronger incitements to its acquirement, or more auspicious opportunities for its profitable exertion than in the United States. In the peculiar construction of our political institutions, there are advantages to the orator which did not belong even to the ancient democracies. The complex fabrick of our federative system, has multiplied beyond the example of any government, legislative assemblies and judiciary establishments: each of which is not only a school of eloquence, but a field, yielding an abundant harvest of fame and emolument. It is, indeed, in our Republic a never failing source both of honour and of riches. Without the charming power of fluent speech, no man, however ambitious, can expect very ample or lucrative practice at the bar, or an elevated situation in the senate. The road to political preferment is nearly impassable to all but the rhetorical adventurer. A silent lawyer has but few fees, and narrow is the congregation of a hesitating divine. Eloquence, in the language of a favourite friend,* may truly be considered, in every country where the *freedom of speech* is indulged, as synonymous with civick honours, wealth, dignity, and might. In the last particular its potency is

* Mr. Dennie.

that of a magician. "It wields at will our *fierce Democratic*." "It shakes the arsenal," and thunders to the utmost verge of our political sky, as Demosthenes

——"*Fulminated* over Greece
To Macedon and Artaxerxes' throne."

The editor, in preparing this compilation for the press, felt none of the incitements of literary ambition, nor does he now arrogate any of the pretensions of authorship. The motives, which led him to undertake it, were of a very different kind. He contemplated it as an enterprise, certainly of a useful, splendid, and honourable nature, peculiarly calculated to recreate his leisure, and to deceive the burthens of an anxious and arduous profession.

Having thus, incidentally, alluded to his walk in life, he hopes that neither his medical brethren, nor the publick at large, will deem him a *reprehensible* wanderer, though, in the *intervals* of professional duty, he has excursed to the Bar or the Senate to make no inaccurate report of the dexterity of wit, and the dictates of wisdom, the sagacity of statesmen, and the eloquence of orators.

By the mythology of the ancients, which has often a fine, though not always an obvious moral, we are instructed that the study and practice of physick was most conspicuously connected with the love of the liberal arts, and of polite literature.

In a mood of no censurable enthusiasm may the Editor exclaim, as to an Apollo, the tutelary God

not only of the disciples of Esculapius, but of the votaries of the Muses :

“ Phœbe fave, novus ingreditur tua templa sacerdos.”

The Editor trusts, perhaps, too sanguinely, that though the contents of this compilation may not equal extravagant expectations yet, at least, that the industry it displays may deserve publick favour. A splendid specimen of oratory like one of the Cartoons of Raphael, or one of the Landscapes of Claude, is a beautiful picture that will affect us, however it *be disposed*. Materials such as form the basis of this work must have their value under the hand of the humblest workman. Here as we alternately mark the pure style, and purer doctrines of Pitt, the rapid elocution of Fox, the variegated imagery of Burke, the meteor scintillations of Curran, the pungent sarcasms of Sheridan, and the benignant sentiments of Wilberforce, we discover now the vigour of Hercules, and now the frolick of a Bacchant, with all the delightful shapes of mental grace and beauty.

LORD CHATHAM'S SPEECH

IN THE HOUSE OF LORDS ON A MOTION MADE BY THE DUKE OF RICHMOND, ON THE 2d OF NOVEMBER 1770, CALLING ON THE MINISTRY FOR CERTAIN DOCUMENTS RESPECTING THE RELATIONS OF THE COUNTRY WITH THE COURT OF SPAIN.

FEW of the speeches of William Pitt, the elder, have been preserved. The whole of the sublime effusions which he poured out with such impetuous energy against the measures of the Walpole administration, were permitted to perish, by a strange insensibility to their value.

Diligent as our researches have been, we have not met with one speech of that, or even of a much later period, which we could consider as genuine. Those which were reported during the series of years alluded to, whatever may be their excellence, are indubitably spurious. It is now perfectly well ascertained that they were composed by Guthrie, Johnson, and Hawkesworth, who, in succession, conducted the history of the proceedings of parliament; sometimes from imperfect notes, casually supplied, but more frequently without any further clue than the mere knowledge of the subject of debate, and a general outline of the course pursued by the different speakers. It is, indeed, related, with sufficient probability, that it became a matter of reproach with Johnson in the decline of his life, that he should have practised such an imposition on the world. The celebrated reply of Pitt to Walpole, we know, on the authority of that great man, was written by him in the obscurity of a garret, while depressed by the gloom

of poverty, and haunted by all the spectres of a desolate condition.

Anterior to the year 1770, we can confidently pronounce that there is no faithful record of Chatham's eloquence. After this time, a very small number of his speeches were accurately reported by a friend. Of these the greater part will be found in our selection. We commence with a speech delivered in support of a motion made by the duke of Richmond on the 22d of November, 1770; "*To present an address to his majesty, requesting that he would be graciously pleased to give orders, that there be laid before the House copies or extracts of all letters and papers received by the ministry, between the 12th of September 1769 and the 12th of September 1770, containing any intelligence of hostilities commenced, or intended to be commenced, by the court of Spain, or any of their officers, against any of his majesty's dominions, and the times at which such intelligence was received.*"

This motion was in consequence of the seizure of the Falkland islands by the Spaniards, intelligence of which had recently been received in England.

For two centuries subsequently to the discovery of these islands, no one of the European powers attempted to colonize, or even to lay an exclusive claim to them. They held forth very slight inducements either to commercial enterprise or political ambition, and were therefore neglected.

But the British government conceiving at length that they presented some advantages as a naval post, sent out a small force and took possession of the most valuable of them in the year 1764. Nearly about the same time, France made a similar settlement on another of the islands. These establishments were viewed with extreme jealousy and dissatisfaction by the court of Madrid, who addressed to each of the two powers an urgent remonstrance, complaining of a violent and unjust encroachment on her dominions. With France the representation produced the desired effect. But with England it was unavailing. The

right of Spain to the islands she peremptorily denied, and set up for herself the title of prior discovery.

The discussion here terminated, and the English retained possession of the island undisturbed, till towards the close of the year 1769, when a Spanish squadron of considerable strength, despatched by the governour of the province of Buenos Ayres, unexpectedly appeared before Port Egmont, the British post, and demanded its surrender; which, being incapable of resistance, accordingly capitulated. To prevent the early communication of the intelligence of the outrage, the ship of the English commander, a *national vessel*, was seized, and her rudder removed and detained on shore for twenty days.

As soon as these proceedings were known in England, the whole nation were exasperated beyond measure, and evinced an unexampled eagerness to avenge the national honour thus daringly insulted.

But the ministry instead of listening to the suggestions of the feverish irritation of the moment, which called for a prompt declaration of war, more prudently opened a negotiation on the subject; but lest it might fail to procure redress, prepared, during its pendency, to sustain with vigour, the dignity of the country.

The conditions of reparation required by Great Britain were, the immediate restitution of the island and the disavowal of the conduct of the governour of Buenos Ayres. These, after some delay, being granted, with certain qualifications, by the court of Madrid, the peace of the two countries was maintained.

SPEECH, &c.

MY LORDS,

I RISE to give my hearty assent to the motion made by the noble duke. By his grace's favour, I have been permitted to see it, before it was offered to the house. I have fully considered the necessity of obtaining from the king's servants a communication of the papers described in the motion,

and I am persuaded that the alarming state of facts, as well as the strength of reasoning, with which the noble duke has urged, and enforced that necessity, must have been powerfully felt by your lordships. What I mean to say upon this occasion, may seem perhaps to extend beyond the limits of the motion before us. But I flatter myself, my lords, that if I am honoured with your attention, it will appear that the meaning and object of this question are naturally connected with considerations of the most extensive national importance. For entering into such considerations no season is improper; no occasion should be neglected. Something must be done, my lords, and immediately, to save an injured, insulted, undone country. If not to save the state, my lords, at least to mark out, and drag to publick justice those servants of the crown, by whose ignorance, neglect, or treachery, this once great flourishing people are reduced to a condition as deplorable at home, as it is despicable abroad. Examples are wanted, my lords, and should be given to the world, for the instruction of future times, even though they be useless to ourselves. I do not mean, my lords, nor is it intended by the motion, to impede, or embarrass a negotiation, which we have been told is now in a prosperous train, and promises a happy conclusion.*

I perfectly agree with the noble lord. I did not mean to refer to any thing said by his lordship. He expressed himself, as he always does, with moderation and reserve, and with the greatest propriety. It was another noble lord, very high in office, who told us he understood that the negotiation was in a favourable train.†

* *Lord Weymouth.* I beg pardon for interrupting the noble lord; but I think it necessary to remark to your lordships, that I have not said a single word tending to convey to your lordships any information, or opinion, with regard to the state, or progress of the negotiation. I did, with the utmost caution, avoid giving to your lordships the least intimation upon that matter.

† *Earl of Hillsborough.* I did not make use of the word *train*. I know the meaning of the word too well. In the

This is the second time that I have been interrupted. I submit it to your lordships whether this be fair and candid treatment. I am sure it is contrary to the orders of the house, and a gross violation of decency and politeness. I listen to every noble lord in this house with attention and respect. The noble lord's design in interrupting me, is as mean and unworthy, as the manner in which he has done it is irregular and disorderly. He flatters himself that by breaking the thread of my discourse, he shall confuse me in my argument. But, my lords, I will not submit to this treatment. I will not be interrupted. When I have concluded, let him answer me if he can. As to the word which he has denied, I still affirm that it was the word he made use of; but if he had used any other, I am sure every noble lord will agree with me, that his meaning was exactly what I have expressed it. Whether he said course or train is indifferent. He told your lordships that the negotiation was in a way that promised a happy and honourable conclusion. His distinctions are mean, frivolous, and puerile. My lords, I do not understand the exalted tone assumed by that noble lord. In the distress and weakness of this country, my lords, and conscious as the ministry ought to be how much they have contributed to that distress and weakness, I think a tone of modesty, of submission, of humility, would become them better; *quædam causæ modestiam desiderant*. Before this country they stand as the greatest criminals. Such I shall prove them to be; for I do not doubt of proving, to your lordships' satisfaction, that since they have been intrusted with the conduct of the king's affairs they have done every thing that they ought not to have done, and hardly any thing that they ought to have done. The noble lord talks of Spanish punctilios in the lofty style and idiom of a Spaniard. We are to be wonderfully tender of the

language from which it was derived, it signifies protraction and delay, which I could never mean to apply to the present negotiation.

Spanish point of honour, as if they had been the complainants, as if they had received the injury. I think he would have done better to have told us what care had been taken of the English honour. My lords, I am well acquainted with the character of that nation, at least as far as it is represented by their court and ministry, and should think this country dishonoured by a comparison of the English good faith with the punctilios of a Spaniard. My lords, the English are a candid, an ingenuous people. The Spaniards are as mean and crafty, as they are proud and insolent. The integrity of the English merchant, the generous spirit of our naval and military officers, would be degraded by a comparison with their merchants or officers. With their ministers I have often been obliged to negotiate, and never met with an instance of candour or dignity in their proceedings; nothing but low cunning, trick, and artifice. After a long experience of their want of candour and good faith, I found myself compelled to talk to them in a peremptory, decisive language. On this principle I submitted my advice to a trembling council for an immediate declaration of a war with Spain. Your lordships well know what were the consequences of not following that advice. Since, however, for reasons unknown to me, it has been thought advisable to negotiate with the court of Spain, I should have conceived that the great and single object of such a negotiation would have been, to have obtained complete satisfaction for the injury done to the crown and people of England. But, if I understand the noble lord, the only object of the present negotiation is to find a salvo for the punctilious honour of the Spaniards. The absurdity of such an idea is of itself insupportable. But, my lords, I object to our negotiating at all, in our present circumstances. We are not in that situation in which a great and powerful nation is permitted to negotiate. A foreign power has forcibly robbed his majesty of a part of his dominions. Is the island restored? Are you replaced in *statu quo*? If that had been done, it might then, perhaps, have

been justifiable to treat with the aggressor upon the satisfaction he ought to make for the insult offered to the crown of England. But will you descend so low? Will you so shamefully betray the king's honour as to make it matter of negotiation whether his majesty's possessions shall be restored to him or not? I doubt not, my lords, that there are some important mysteries in the conduct of this affair, which, whenever they are explained, will account for the profound silence now observed by the king's servants. The time will come, my lords, when they shall be dragged from their concealments. There are some questions, which, sooner or later, must be answered. The ministry, I find, without declaring themselves explicitly, have taken pains to possess the publick with an opinion, that the Spanish court have constantly disavowed the proceedings of their governour; and some persons, I see, have been shameless and daring enough to advise his majesty to support and countenance this opinion in his speech from the throne. Certainly, my lords, there never was a more odious, a more infamous falsehood imposed on a great nation. It degrades the king's honour. It is an insult to parliament. His majesty has been advised to confirm and give currency to an absolute falsehood. I beg your lordship's attention, and I hope I shall be understood, when I repeat, that the court of Spain's having disavowed the act of their governour is an absolute, a palpable falsehood. Let me ask, my lords, when the first communication was made by the court of Madrid, of their being apprized of their taking of Falkland's Island, was it accompanied with an offer of instant restitution, of immediate satisfaction, and the punishment of the Spanish governour? If it was not, they have adopted the act as their own, and the very mention of a disavowal is an impudent insult offered to the king's dignity. The king of Spain disowns the thief, while he leaves him unpunished, and profits by the theft. In vulgar English, he is the receiver of stolen goods, and ought to be treated accordingly.

If your lordships will look back to a period of the English history, in which the circumstances are reversed, in which the Spaniards were the complainants, you will see how differently they succeeded. You will see one of the ablest men, one of the bravest officers this or any other country ever produced (it is hardly necessary to mention the name of sir Walter Raleigh) sacrificed by the meanest prince that ever sat upon the throne, to the vindictive jealousy of that haughty court. James the First was base enough, at the instance of Gondomar, to suffer a sentence against sir Walter Raleigh, for another supposed offence, to be carried into execution almost twelve years after it had been passed. This was the pretence. His real crime was, that he had mortally offended the Spaniards, while he acted by the king's express orders, and under his commission.

My lords, the pretended disavowal by the court of Spain is as ridiculous as it is false. If your lordships want any other proof, call for your own officers, who were stationed at Falkland Island. Ask the officer who commanded the garrison, whether, when he was summoned to surrender, the demand was made in the name of the governour of Buenos Ayres, or of his catholick majesty? Was the island said to belong to Don Francisco Bucarelli, or to the king of Spain? If I am not mistaken, we have been in possession of these islands since the year 1764, or 1765. Will the ministry assert, that, in all that time, the Spanish court have never once claimed them? That their right to them has never been urged, or mentioned to our ministry? If it has, the act of the governour of Buenos Ayres is plainly the consequence of our refusal to acknowledge and submit to the Spanish claims. For five years they negotiate; when that fails, they take the island by force. If that measure had arisen out of the general instructions, constantly given to the governour of Buenos Ayres, why should the execution of it have been deferred so long?

My lords, if the falsehood of this pretended disavowal had been confined to the court of Spain, I should have admitted it without concern. I should have been content that they themselves had left a door open for excuse, and accommodation. The king of England's honour is not touched till he adopts the falsehood, delivers it to his parliament, and makes it his own.

I cannot quit this subject without comparing the conduct of the present ministry with that of a gentleman* who is now no more. The occasions were similar. The French had taken a little island from us, called Turk's island. The minister then at the head of the treasury took the business upon himself. But he did not negotiate. He sent for the French ambassadour and made a peremptory demand. A courier was despatched to Paris, and returned in a few days, with orders for instant restitution, not only of the island, but of every thing that the English subjects had lost.†

* Mr. George Grenville.

† The state of the fact was as follows. When the advice arrived in England of the French having seized Turk's island, in the year 1764, a debate arose in the British council upon the measures necessary to be taken with France upon that occasion. The whole council, one only excepted, were for a remonstrance to the French court, and they founded their opinion upon an apprehension, lest a spirited conduct might induce that court to break the peace, and by some unforeseen means, precipitate us into measures which might terminate in a rupture between the two nations. The one who ventured to differ from all the rest was the right honourable George Grenville. He urged the necessity of a spirited conduct as the only means of preserving the peace. That France, who was unable to continue the late war, was equally incapable of beginning another. That if we did not immediately show a spirited and warm resentment to her behaviour on this occasion, she would certainly repeat her insults, and accompany them with language that her pride would oblige her to support, and thus, silence or tameness on our side would infallibly lead to a rupture. Upon this, the two secretaries of state (at that time lord Halifax and lord Sandwich) committed the whole negotiation to Mr. Grenville. He undertook it, and sent for count Guerchy, who was at that time the French

Such then, my lords, are the circumstances of our difference with Spain; and in this situation, we are told that a negotiation has been entered into, that this negotiation, which must have commenced near three months ago, is still depending, and that any insight into the actual state of it will impede the conclusion. My lords, I am not, for my own part, very anxious to draw from the ministry the information which they take so much care to conceal from us. I very well know where this honourable negotiation *will* end;

ambassador at the British court. In a short conversation which immediately ensued upon this subject, Mr. Grenville told the ambassador in plain terms, that the French forces who had invaded and seized Turk's island must immediately evacuate the same, and restore it to the quiet possession of the English. The ambassador said in excuse for the conduct of his court, that the king, his master, had claims upon that island, and that he was ready to enter into a negotiation upon them. To which the English minister peremptorily answered, whatever claims you have, set them up, we will hear them. But first, the island must and shall be restored. We will not hear of any claims or negotiation while the island is in the hands of the French king. It is absurd to seize the island, and then talk of a negotiation about claims. When the island is restored to his Britannick majesty, then, and not till then, will a single word about claims be heard or admitted. He concluded in a firm and determined manner to this effect. Sir, I will wait nine days for your answer, in which time you may send and receive advice from your court, whether the king will immediately order his forces to evacuate Turk's island, and restore it to the full and quiet possession of the English, or not: and if I do not receive your answer at the end of nine days, the fleet that is now lying at Portsmouth* shall sail directly to the island and reinstate it in the possession of the king of Great Britain. The ambassador went away, and soon after returned to show the British minister the despatches he had prepared upon the occasion. Mr. Grenville gave him leave to insert the conversation that had passed between them. On the sixth day, a copy of the orders signed by the French king, for restoring the island to the English arrived.

A similar measure of spirit was adopted by the same minister with the Spaniards, who had drove our settlers from Honduras, to whom fourteen days had been allowed: upon which, all was instantly and amicably adjusted.

* There was a fleet then at Portsmouth waiting for sailing orders.

where it *must* end. We may, perhaps, be able to patch up an accomodation for the present, but we shall have a Spanish war in six months. Some of your lordships may, perhaps, remember the convention. For several successive years our merchants had been plundered; no protection given them; no redress obtained for them. During all that time we were contented to complain, and to negotiate. The court of Madrid were then as ready to disown their officers, and as unwilling to punish them, as they are at present. Whatever violence happened was always laid to the charge of one or other of their West India governours. To day it was the governour of Cuba, to morrow of Porto Rico, Carthagena, or Porto Bello. If in a particular instance redress was promised, how was that promise kept? The merchant, who had been robbed of his property, was sent to the West Indies to get it, if he could, out of an empty chest. At last the convention was made; but, though approved by a majority of both houses, was received by the nation with universal discontent. I myself heard that wise man * say in the house of commons, " 'Tis true we have got a convention and a vote of parliament; but what signifies it? we shall have a Spanish war upon the back of our convention." Here, my lords, I cannot help mentioning a very striking observation made to me by a noble lord, since dead. † His abilities did honour to this house, and to this nation. In the upper departments of government he had not his equal; and I feel a pride in declaring, that to his patronage, to his friendship, and instruction, I owe whatever I am. This great man has often observed to me that, in all the negotiations which preceded the convention, our ministers never found out that there was no ground or subject for any negotiation. That the Spaniards had not a right to search our ships, and when they attempted to regulate that right by treaty, they were regulating a thing which did not exist. This I take

* Sir Robert Walpoole.

† The late lord Grenville.

to be something like the case of the ministry. The Spaniards have seized an island they have no right to, and his majesty's servants make it matter of negotiation, whether his dominions shall be restored to him or not.

From what I have said, my lords, I do not doubt but it will be understood by many lords, and given out to the publick, that I am for hurrying the nation, at all events, into a war with Spain. My lords, I disclaim such councils, and I beg that this declaration may be remembered. Let us have peace, my lords, but let it be honourable, let it be secure. A patched up peace will not do. It will not satisfy the nation, though it may be approved of by parliament. I distinguish widely between a solid peace, and the disgraceful expedients, by which a war may be deferred, but cannot be avoided. I am as tender of the effusion of human blood, as the noble lord who dwelt so long upon the miseries of the war. If the bloody politicks of some noble lords had been followed, England, and every quarter of his majesty's dominions would have been glutted with blood—the blood of our own countrymen.

My lords, I have better reasons, perhaps, than many of your lordships for desiring peace upon the terms I have described. I know the strength and preparation of the house of Bourbon; I know the defenceless, unprepared condition of this country. I know not by what mismanagement we are reduced to this situation; and when I consider, who are the men by whom a war, in the outset at least, must be conducted, can I but wish for peace? Let them not screen themselves behind the want of intelligence—they had intelligence: I know they had. If they had not, they are criminal; and their excuse is their crime. But I will tell these young ministers the true source of intelligence. It is sagacity. Sagacity to compare causes and effects; to judge of the present state of things, and discern the future by a careful review of the past. Oliver Cromwell, who astonished mankind by his intelligence, did not derive it from

spies in the cabinet of every prince in Europe: he drew it from the cabinet of his own sagacious mind. He observed facts and traced them forward to their consequences. From what was, he concluded what must be, and he never was deceived. In the present situation of affairs, I think it would be treachery to the nation to conceal from them their real circumstances, and with respect to a foreign enemy, I know that all concealments are vain and useless. They are as well acquainted with the actual force and weakness of this country, as any of the king's servants. This is no time for silence, or reserve. I charge the ministers with the highest crimes that men in their stations can be guilty of. I charge them with having destroyed all content and unanimity at home, by a series of oppressive, unconstitutional measures; and with having betrayed and delivered up the nation defenceless to a foreign enemy.

Their utmost vigour has reached no farther than to a fruitless, protracted negotiation. When they should have acted, they have contented themselves with talking *about it, goddess, and about it*—if we do not stand forth, and do our duty in the present crisis, the nation is irretrievably undone. I despise the little policy of concealments. You ought to know the whole of your situation. If the information be new to the ministry, let them take care to profit by it. I mean to rouse, to alarm the whole nation; to rouse the ministry, if possible, who seem to awake to nothing but the preservation of their places—to awaken the king.

Early in the last spring, a motion was made in parliament, for inquiring into the state of the navy, and an augmentation of six thousand seamen was offered to the ministry. They refused to give us any insight into the condition of the navy, and rejected the augmentation. Early in June they received advice of a commencement of hostilities by a Spanish armament, which had warned the king's garrison to quit an island belonging to his majesty. From that to the 12th of September, as if nothing had happened,

they lay dormant. Not a man was raised, not a single ship was put into commission. From the 12th of September, when they heard of the first blow being actually struck, we are to date the beginning of their preparations for defence. Let us now inquire, my lords, what expedition they have used, what vigour they have exerted. We have heard wonders of the diligence employed in impressing, of the large bounties offered, and the number of ships put into commission. These have been, for some time past, the constant topicks of ministerial boast and triumph. Without regarding the description, let us look to the substance. I tell your lordships that, with all this vigour and expedition, they have not, in a period of considerably more than two months, raised ten thousand seamen. I mention that number, meaning to speak largely, though in my own breast, I am convinced that the number does not exceed eight thousand. But it is said they have ordered forty ships of the line into commission. My lords, upon this subject I can speak with knowledge. I have been conversant in these matters, and draw my information from the greatest and most respectable naval authority that ever existed in this country, I mean the late lord Anson. The merits of that great man are not so universally known, nor his memory so warmly respected as he deserved. To his wisdom, to his experience, and care (and I speak it with pleasure) the nation owes the glorious naval successes of the last war. The state of facts laid before parliament in the year 1756, so entirely convinced me of the injustice done to his character, that in spite of the popular clamours raised against him, in direct opposition to the complaints of the merchants, and of the whole city (whose favour I am supposed to court upon all occasions) I replaced him at the head of the admiralty; and I thank God that I had resolution enough to do so. Instructed by this great seaman, I do affirm, that forty ships of the line, with their necessary attendant frigates, to be properly manned, require forty thousand seamen. If your lordships

are surprised at this assertion, you will be more so, when I assure you, that in the last war, this country maintained 85,000 seamen, and employed them all. Now, my lords, the peace establishment of your navy, supposing it complete, and effective (which by the by ought to be known) is sixteen thousand men. Add to these the number newly raised, and you have about twenty-five thousand men to man your fleet. I shall come presently to the application of this force, such as it is, and compare it with the services, which I know are indispensable. But first, my lords, let us have done with the boasted vigour of the ministry. Let us hear no more of their activity. If your lordships will recall to your minds the state of this country when Mahon was taken, and compare what was done by government at that time, with the efforts now made in very similar circumstances, you will be able to determine what praise is due to the vigorous operations of the present ministry. Upon the first intelligence of the invasion of Minorca, a great fleet was equipped and sent out; and near double the number of seamen collected in half the time taken to fit out the present force, which pitiful as it is, is not yet, if the occasion was ever so pressing, in a condition to go to sea. Consult the returns which were laid before parliament in the year 1756. I was one of those who urged a parliamentary inquiry into the conduct of the ministry. That ministry, my lords, in the midst of universal censure and reproach, had honour and virtue enough to promote the inquiry themselves. They scorned to evade it by the mean expedient of putting a previous question. Upon the strictest inquiry it appeared, that the diligence they had used in sending a squadron to the Mediterranean, and in their other naval preparations, was beyond all example.

My lords, the subject on which I am speaking seems to call upon me, and I willingly take this occasion to declare my opinion upon a question, on which much wicked pains have been employed to disturb the minds of the people, and to distress government. My opinion may not be very popular;

neither am I running the race of popularity. I am myself clearly convinced, and I believe every man who knows any thing of the English navy will acknowledge, that without impressing, it is impossible to equip a respectable fleet within the time in which such armaments are usually wanted. If this fact be admitted, and if the necessity of arming upon a sudden emergency should appear incontrovertible, what shall we think of those men, who in the moment of danger would stop the great defence of their country. Upon whatever principle they may act, the act itself is more than faction—it is labouring to cut off the right hand of the community. I wholly condemn their conduct, and am ready to support any motion that may be made, for bringing those aldermen, who have endeavoured to stop the execution of the admiralty warrants, to the bar of this house. My lords, I do not rest my opinion merely upon necessity. I am satisfied that the power of impressing is founded upon uninterrupted usage. It is the *consuetudo regni*, and part of the common law prerogative of the crown. When I condemn the proceedings of some persons upon this occasion, let me do justice to a man whose character and conduct have been most infamously traduced; I mean the late lord mayor, Mr. Treacothick. In the midst of reproach and clamour, he had firmness enough to persevere in doing his duty. I do not know in office a more upright magistrate; nor, in private life, a worthier man.

Permit me now, my lords, to state to your lordships the extent and variety of the service which must be provided for, and to compare them with our apparent resources. A due attention to, and provision for these services, is prudence in time of peace; in war it is necessity. Preventive policy, my lords, which obviates or avoids the injury, is far preferable to that vindictive policy, which aims at reparation, or has no object but revenge. The precaution that meets the disorder is cheap and easy; the remedy which follows it, bloody and expensive.

The first great and acknowledged object of national defence in this country, is to maintain such a superior naval force at home, that even the united fleets of France and Spain may never be masters of the Channel. If that should ever happen, what is there to hinder their landing in Ireland, or even upon our own coast? They have often made the attempt. In King William's time it succeeded. King James embarked on board a French fleet, and landed with a French army in Ireland. In the mean time the French were masters of the Channel, and continued so until their fleet was destroyed by admiral Russel. As to the probable consequences of a foreign army landing in Great Britain or Ireland, I shall offer your lordships my opinion when I speak of the actual condition of our standing army.

The second naval object with an English minister, should be to maintain at all times a powerful western squadron. In the profoundest peace it should be respectable; in war it should be formidable. Without it, the colonies, the commerce, the navigation of Great Britain, lie at the mercy of the house of Bourbon. While I had the honour of acting with lord Anson, that able officer never ceased to inculcate upon the minds of his majesty's servants the necessity of constantly maintaining a strong western squadron; and I must vouch for him, that while he was at the head of the marine it was never neglected.

The third object indispensable, as I conceive, in the distribution of our navy, is to maintain such a force in the bay of Gibraltar as may be sufficient to cover that garrison, to watch the motions of the Spaniards, and to keep open the communication with Minorca. The ministry will not betray such want of information as to dispute the truth of any of these propositions. But how will your lordships be astonished, when I inform you in what manner they have provided for these great, these essential objects? As to the first, I mean the defence of the Channel, I take upon myself to affirm to your lordships, that, at this hour (and I beg that the date may be taken down and

observed) we cannot send out eleven ships of the line so manned and equipped that any officer of rank and credit in the service shall accept of the command and stake his reputation upon it. We have one ship of the line at Jamaica, one at the Leeward islands, and one at Gibraltar; yet at this very moment, for ought the ministry know, both Jamaica and Gibraltar may be attacked; and if they are attacked (which God forbid) they must fall. Nothing can prevent it but the appearance of a superiour squadron. It is true that, some two months ago, four ships of the line were ordered from Portsmouth, and one from Plymouth, to carry a relief from Ireland to Gibraltar. These ships, my lords, a week ago, were still in port. If, upon their arrival at Gibraltar, they should find the bay possessed by a superiour squadron, the relief cannot be landed; and if it could be landed of what force do your lordships think it consists? Two regiments, of four hundred men each, at a time like this, are sent to secure a place of such importance as Gibraltar! a place which it is universally agreed cannot hold out against a vigorous attack from the sea, if once the enemy should be so far masters of the bay as to make a good landing even with a moderate force. The indispensable service of the lines requires at least four thousand men. The present garrison consists of about two thousand three hundred; so that if the relief should be fortunate enough to get on shore, they will want eight hundred men of their necessary complement.

Let us now, my lords, turn our eyes homewards. When the defence of Great Britain or Ireland is in question, it is no longer a point of honour; it is not the security of foreign commerce, or foreign possessions; we are to contend for the very being of the state. I have good authority to assure your lordships that the Spaniards have now a fleet at Ferrol, completely manned and ready to sail, which we are in no condition to meet. We could not this day send out eleven ships of the line properly equipped,

and to morrow the enemy may be masters of the channel. It is unnecessary to press the consequences of these facts upon your lordships' minds. If the enemy were to land in full force, either upon this coast or in Ireland, where is your army? where is your defence? My lords, if the house of Bourbon make a wise and vigorous use of the actual advantages they have over us, it is more than probable that on this day month we may not be a nation. What military force can the ministry show to answer any sudden demand? I do not speak of foreign expeditions, or offensive operations. I speak of the interior defence of Ireland, and of this country. You have a nominal army of seventy battalions, besides guards and cavalry. But what is the establishment of these battalions? Supposing they were complete to the numbers allowed, which I know they are not, each regiment would consist of something less than four hundred men, rank and file. Are these battalions complete? Have any orders been given for an augmentation, or do the ministry mean to continue them upon their present low establishment? When America, the West Indies, Gibraltar, and Minorca, are taken care of, consider, my lords, what part of this army will remain to defend Ireland and Great Britain? This subject, my lords, leads me to considerations of foreign policy and foreign alliance. It is more connected with them than your lordships may at first imagine. When I compare the numbers of our people, estimated highly at seven millions, with the population of France and Spain, usually computed at twenty-five millions, I see a clear, selfevident impossibility for this country to contend with the united power of the house of Bourbon, merely upon the strength of its own resources. They who talk of confining a great war to naval operations only, speak without knowledge or experience. We can no more command the disposition than the events of a war. Wherever we are attacked, there we must defend.

I have been much abused, my lords, for supporting a war, which it has been the fashion to call my German war. But I can affirm, with a clear conscience, that that abuse has been thrown on me by men, who were either unacquainted with facts, or had an interest in misrepresenting them. I shall speak plainly and frankly to your lordships upon this, as I do upon every occasion. That I did in parliament oppose, to the utmost of my power, our engaging in a German war, is most true; and if the same circumstance were to recur, I would act the same part, and oppose it again. But when I was called upon to take a share in the administration, that measure was already decided. Before I was appointed secretary of state, the first treaty with the king of Prussia was signed, and not only ratified by the crown, but approved of and confirmed by a resolution of both houses of parliament. It was a weight fastened upon my neck. By that treaty, the honour of the crown and the honour of the nation were equally engaged. How I could recede from such an engagement; how I could advise the crown to desert a great prince in the midst of those difficulties, in which a reliance upon the good faith of this country had contributed to involve him, are questions I willingly submit to your lordships' candour. That wonderful man, might, perhaps, have extricated himself from his difficulties without our assistance. He has talents which, in every thing that touches the human capacity, do honour to the human mind. But how would England have supported that reputation of credit and good faith, by which we have been distinguished in Europe? What other foreign power would have sought our friendship? What other foreign power would have accepted of an alliance with us?

But, my lords, though I wholly condemn our entering into any engagements which tend to involve us in a continental war, I do not admit that alliances with some of the German princes are either detrimental or useless. They may be, my lords, not only useful, but necessary. I hope, indeed, I never shall

see an army of foreign auxiliaries in Great Britain; we do not want it. If our people are united; if they are attached to the king, and place a confidence in his government, we have an internal strength sufficient to repel any foreign invasion. With respect to Ireland, my lords, I am not of the same opinion. If a powerful foreign army were landed in that kingdom, with arms ready to be put into the hands of the Roman Catholics, I declare freely to your lordships, that I should heartily wish it were possible to collect twenty thousand German protestants, whether from Hesse or Brunswick, or Wolfenbuttle, or even the unpopular Hanoverian, and land them in Ireland. I wish it, my lords, because I am convinced, that whenever the case happens, we shall have no English army to spare.

I have taken a wide circuit, my lords, and trespassed, I fear, too long upon your lordships' patience. Yet I cannot conclude without endeavouring to bring home your thoughts to an object more immediately interesting to us than any I have yet considered; I mean the internal condition of this country. We may look abroad for wealth, or triumphs, or luxury; but England, my lords, is the main stay, the last resort of the whole empire. To this point every scheme of policy whether foreign or domestick, should ultimately refer. Have any measures been taken to satisfy, or to unite the people? Are the grievances they have so long complained of removed? or do they stand not only unredressed, but aggravated? Is the right of free election restored to the elective body? My lords, I myself am one of the people. I esteem that security and independence, which is the original birthright of an Englishman, far beyond the privileges, however splendid, which are annexed to the peerage. I myself am by birth an English elector, and join with the freeholders of England as in a common cause. Believe me, my lords, we mistake our real interest as much as our duty, when we separate ourselves from the mass of the people. Can it be expected that Englishmen will unite heartily in the defence of a government, by which they feel them-

selves insulted and oppressed? Restore them to their rights; that is the true way to make them unanimous. It is not a ceremonious recommendation from the throne, that can bring back peace and harmony to a discontented people. That insipid annual opiate has been administered so long, that it has lost its effect. Something substantial, something effectual must be done.

The publick credit of the nation stands next in degree to the rights of the constitution; it calls loudly for the interposition of parliament. There is a set of men, my lords, in the city of London, who are known to live in riot and luxury, upon the plunder of the ignorant, the innocent, the helpless,—upon that part of the community, which stands most in need of, and best deserves the care and protection of the legislature. To me, my lords, whether they be miserable jobbers of 'Change-alley, or the lofty Asiatick plunderers of Leadenhall-street, they are all equally detestable. I care but little whether a man walks on foot, or is drawn by eight horses or six horses; if his luxury be supported by the plunder of his country, I despise and detest him. My lords, while I had the honour of serving his majesty, I never ventured to look at the treasury but at a distance; it is a business I am unfit for, and to which I never could have submitted. The little I know of it has not served to raise my opinion of what is vulgarly called the *monied interest*; I mean that blood-sucker, that muckworm, which calls itself the friend of government—that pretends to serve this or that administration, and may be purchased, on the same terms, by any administration—that advances money to government, and takes special care of its own emoluments. Under this description I include the whole race of commissaries, jobbers, contractors, clothiers, and remitters. Yet I do not deny that, even with these creatures ~~some~~ management may be necessary. I hope my ~~friend~~ said, will be understood ~~that~~ industrious tradesman, who has given

repeated proofs, that he prefers law and liberty to gold. I love that class of men. Much less would I be thought to reflect upon the fair merchant, whose liberal commerce is the prime source of national wealth. I esteem his occupation, and respect his character.

My lords, if the general representation, which I have had the honour to lay before you, of the situation of publick affairs, has, in any measure, engaged your attention, your lordships, I am sure, will agree with me, that the season calls for more than common prudence and vigour in the direction of our councils. The difficulty of the crisis demands a wise, a firm, and a popular administration. The dishonourable traffick of places has engaged us too long. Upon this subject, my lords, I speak without interest or enmity. I have no personal objection to any of the king's servants. I shall never be minister; certainly not without full power to cut away all the rotten branches of government. Yet, unconcerned as I truly am for myself, I cannot avoid seeing some capital errors in the distribution of the royal favour. There are men, my lords, who if their own services were forgotten, ought to have an hereditary merit with the house of Hanover; whose ancestors stood forth in the day of trouble, opposed their persons and fortunes to treachery and rebellion, and secured to his majesty's family this splendid power of rewarding. There are other men, my lords,* who, to speak tenderly of them, were not quite so forward in the demonstrations of their zeal to the reigning family; there was another cause, my lords, and a partiality to it, which some persons had not at all times discretion enough to conceal. I know I shall be accused of attempting to revive distinctions. My lords, if it were possible, I would abolish all distinctions. I would not wish the favours of the crown to flow invariably in one channel. But there are some distinctions, which are inherent in the nature of things.

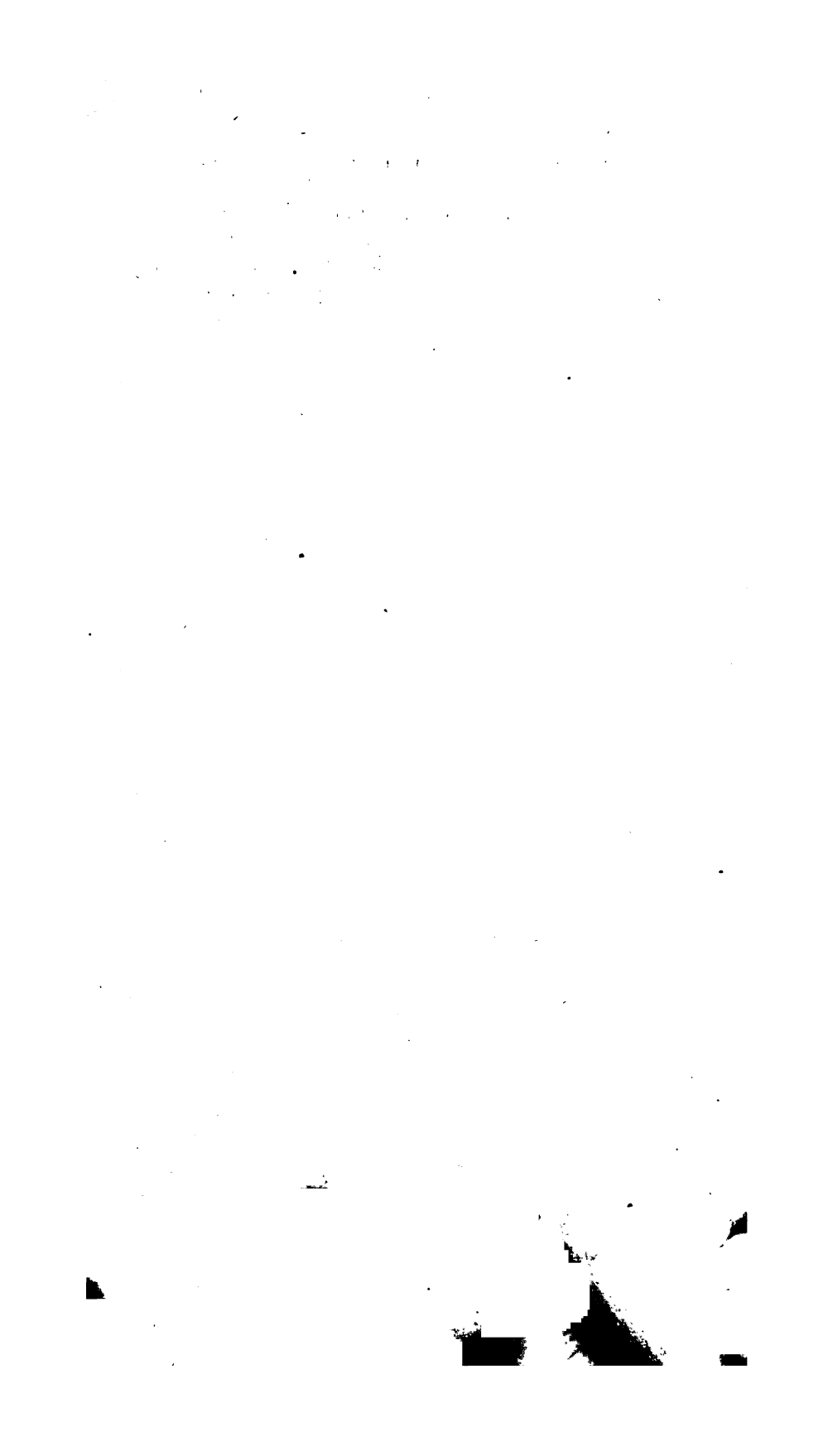
* Looking sternly at lord Mansfield.

There is a distinction between right and wrong ; between WHIG and TORY.

When I speak of an administration, such as the necessity of the season calls for, my views are large and comprehensive. It must be popular, that it may begin with reputation. It must be strong within itself, that it may proceed with vigour and decision. An administration, formed upon an exclusive system of family connexions or private friendships, cannot, I am convinced, be long supported, in this country. Yet, my lords, no man respects, or values more than I do, that honourable connexion, which arises from a disinterested concurrence in opinion upon publick measures, or from the sacred bond of private friendship and esteem. What I mean is, that no single man's private friendships or connexions, however extensive, are sufficient of themselves, either to form or overturn an administration. With respect to the ministry, I believe, they have fewer rivals than they imagine. No prudent man will covet a situation so beset with difficulty and danger.

I shall trouble your lordships with but a few words more. His majesty tells us in his speech, that he will call upon us for our advice, if it should be necessary in the further progress of this affair. It is not easy to say whether or no the ministry are serious in this declaration ; nor what is meant by the *progress* of an affair, which rests upon one fixed point. Hitherto we have not been called upon. But though we are not consulted, it is our right and duty as the king's great, hereditary council, to offer him our advice. The papers, mentioned in the noble duke's motion, will enable us to form a just and accurate opinion of the conduct of his majesty's servants, though not of the actual state of their honourable negotiations. The ministry too, seem to want advice upon some points in which their own safety is immediately concerned. They are now balancing between a war which they ought to have foreseen, but for which they have made no provision, and an ignominious compromise. Let me warn them of their danger. If they are forced

into a war, they stand it at the hazard of their heads. If, by an ignominious compromise, they should stain the honour of the crown, or sacrifice the rights of the people, let them look to the consequences and consider whether they will be able to walk the streets in safety.



MR. BURKE'S SPEECH,

ON AMERICAN TAXATION, DELIVERED IN THE HOUSE OF
COMMONS, APRIL 19TH, 1774.

LORD NORTH commenced his administration at a time, when the disputes between the mother country and the colonies had attained to a height, which menaced the most serious consequences. The obnoxious laws passed by the preceding ministry, had excited throughout the American dependencies a spirit of discontent, which seemed already prepared to burst forth in open resistance to the authority of the parent state, and, if not appeased, to dissolve for ever the connexion which had very recently been cherished, with exultation, as the most certain source of their glory, their prosperity, and happiness.

Among the earliest of his measures, of any importance, was the revocation of the act which laid a duty on articles of merchandise imported into the colonies, reserving only the one upon tea, as a mere recognition of the right in parliament of legislation over the whole of the empire.

As this tax was deemed the proximate and most irritating grievance, the minister entertained a sanguine expectation that its repeal would tranquillize the prevalent turbulence, and rekindle the nearly extinguished sentiments of loyalty and attachment which were once so conspicuously displayed in every section of the provinces. But he was utterly deceived. Like all *temporizing half-way* measures, which lose their efficiency by their neutrality, this well meant project of conciliation totally failed. Denying the parliamentary right of taxing them, the Americans were not satis-

fied by the discontinuance of the *several duties*, while any one remained to *sanction the right*.

It was not the weight of taxation against which they murmured; but the principle on which it was imposed. This partial repeal, therefore, was received not as an act of grace, or token of concession; but rather as an insidious stratagem to perpetuate under a disguise, an odious assumption of power.

The scheme of lord North was justly and with great felicity described by a cotemporary "as a heterogeneous mixture of concession and coercion; of concession not tending to conciliate, and of coercion that could not be carried into execution; at once exciting hatred for the intention, and contempt for the weakness."

Notwithstanding the urgent remonstrance of the colonies against the tax, and their increasing disposition to violence, the government of Great Britain resolved to enforce the measure, and vessels loaded with the offensive commodity were accordingly permitted to be sent to America.

The scene of riot and tumult which ensued on the arrival of the ships at Boston is too vividly recollected to require here to be related.

When the intelligence of these commotions reached England, sensations of the deepest solicitude and apprehension were created in the reflecting part of the nation. The leading characters of the minority in each house of parliament contemplated the posture of colonial affairs with the same anxiety. They contended with all the powers of reasoning and persuasion, that an adjustment of the existing differences could alone be effected by an entire, immediate, and absolute renunciation of those hateful and arbitrary pretensions, set up in a season of delusion by the mother country.

With a view to the restoration of harmony, Mr. Rose Fuller, an eminent commoner, moved on the 19th of April, 1774, "*That the house resolve itself into a committee to take into consideration the duty upon the importation of tea into America, for its*

repeal." This motion was seconded by Edmund Burke, who delivered in its support the subsequent speech, which, whether we consider it as an exhibition of imagery, lively, gorgeous, elevated, and resplendent, as a luminous exposition of the subject of debate, or as a chain of close argumentation in maintenance of the proposition he recommends, is equal, and perhaps superiour, to any specimen of the art ancient or modern.

It has sometimes been objected to the speeches of this celebrated orator, that, though they excel in variety and extent of knowledge, in curious and instructive observations on human nature, in the sublime sentiments and reflections of philosophy, and, in the creations of fancy, and the embellishments of rhetorick, are unrivaled, yet, that they are loose and digressive, and hence comparatively feeble in producing those convictions for which they were designed. This criticism, which, we think, might very successfully be combated, certainly does not apply to the present one. The speech on American taxation is, indeed, a model that presents in a greater degree than any other, the properties of perfect eloquence.

This speech is, moreover, peculiarly interesting as containing a very distinct account of all the schemes which were successively adopted in the government of the plantations, with their causes and consequences. In the progress of the review he has thought fit, as influencing their measures, to describe the characters of the different ministers. These portraits are deserving of the highest admiration. They are sketched with the bold conception of Salvator Rosa, and coloured with the bright and mellow tints of Claude Lorraine.

The efforts of Burke and his party were ineffectual. The motion was lost by a large majority. The ministry had previously fixed upon an opposite policy. Conceiving that the cup of conciliation was exhausted, they had already determined to exchange it for a system of coercion of rigorous and unmitigated severity.

SPEECH, &c.

SIR,

I AGREE with the honourable gentleman* who spoke last, that this subject is not new in this house. Very disagreeably to this house, very unfortunately to this nation, and to the peace and prosperity of this whole empire, no topick has been more familiar to us. For nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn, and our stomachs nauseate with them. We have had them in every shape ; we have looked at them in every point of view. Invention is exhausted ; reason is fatigued ; experience has given judgment ; but obstinacy is not yet conquered.

The honourable gentleman has made one endeavour more to diversify the form of this disgusting argument. He has thrown out a speech composed almost entirely of challenges. Challenges are serious things ; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side of the house, and to agree with the honourable gentleman on all the American questions. My sentiments, I am sure, are well known to him ; and I thought I had been perfectly acquainted with his. Though I find myself mistaken, he will still permit me to use the privilege of an old friendship, he will permit me to apply myself to the house under the sanction of his authority ; and on the various grounds he has measured out, to submit to you the poor opinions which I have formed, upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the house two grounds of deliberation ; one narrow and simple, and merely confined

* Charles Wolfran Cornwall, Esq. lately appointed one of the lords of the treasury.

to the question on your paper : the other more large and more complicated ; comprehending the whole series of the parliamentary proceedings with regard to America, their causes, and their consequences. With regard to the latter ground, he states it as useless, and thinks it may be even dangerous, to enter into so extensive a field of inquiry. Yet, to my surprize, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it ; and declares it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity what shall we do, sir, who are willing to submit to the law he gives us ? He has reprobated in one part of his speech the rule he had laid down for debate in the other ; and after narrowing the ground for all those who are to speak after him, he takes an excursion himself, as unbounded as the subject and the extent of his great abilities.

Sir, when I cannot obey all his laws, I will do the best I can. I will endeavour to obey such of them as have the sanction of his example ; and to stick to that rule, which, though not consistent with the other, is the most rational. He was certainly in the right when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave to say, either useless or dangerous. He asserts, that retrospect is not wise ; and the proper, the only proper, subject of inquiry is, " not how we got into this difficulty, but how we are to get out of it." In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically opposite to every rule of reason, and every principle of good sense established amongst mankind. For, that sense and that reason, I have always understood, absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to

correct our errors, if they should be corrigible; or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the honourable gentleman in his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the house satisfaction, I wish to tread the narrow ground to which alone the honourable gentleman in one part of his speech, has so strictly confined us.

He desires to know, whether, if we were to repeal this tax agreeably to the proposition of the honourable gentleman who made the motion, the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine as loudly as they do now for the repeal of the duty on tea? Sir, I can give no security on this subject. But I will do all that I can, and all that can be fairly demanded. To the *experience* which the honourable gentleman reprobates in one instant, and reverts to in the next; to that *experience*, without the least wavering or hesitation on my part, I steadily appeal; and would to God there was no other arbiter to decide on the vote with which the house is to conclude this day!

When parliament repealed the stamp act in the year 1766, I affirm, first, that the Americans did *not* in consequence of this measure call upon you to give up the former parliamentary revenue which subsisted in that country; or even any one of the articles which compose it. I affirm also, that when departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the colonists with new jealousy, and all sorts of apprehension, then it was that they quarrelled with the old taxes, as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power;

and by the battery of such questions have shaken the solid structure of this empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in newspapers, they never more will dare to raise their voices in this house. I speak with great confidence. I have reason for it. The ministers are with me. *They* at least are convinced that the repeal of the stamp act had not, and that no repeal can have the consequences which the honourable gentleman who defends their measures is so much alarmed at. To their conduct, I refer him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both ministry and parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the honourable gentleman's ministerial friends on the new revenue itself.

The act of 1767, which grants this tea duty, sets forth in its preamble, that it was expedient to raise a revenue in America, for the support of the civil government there, as well as for purposes still more extensive. To this support the act assigns six branches of duties. About two years after this act passed, the ministry, I mean the present ministry, thought it expedient to repeal five of the duties, and to leave, for reasons best known to themselves, only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the minister,* "Condemning, as you do, the repeal of the stamp act, why do you venture to repeal the duties upon glass, paper, and painters' colours? Let your pretence for the repeal be what it will, are you not thoroughly convinced, that your concessions will produce, not satisfaction, but insolence in the Americans; and that the giving up these taxes will necessitate the giving up of all the rest?" This ob-

* Lord North, then chancellor of the exchequer.

jection was as palpable then as it is now ; and it was as good for preserving the five duties as for retaining the sixth. Besides, the minister will recollect, that the repeal of the stamp act had but just preceded his repeal ; and the ill policy of that measure (had it been so impolitick as it has been represented) and the mischiefs it produced, were quite recent. Upon the principles therefore of the honourable gentleman, upon the principles of the minister himself, the minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer, in the first trust of finance, of the revenues ; and in the first rank of honour, as a betrayer of the dignity of his country.

Most men, especially great men, do not always know their well-wishers. I come to rescue that noble lord out of the hands of those he calls his friends ; and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which give so much alarm to his honourable friend. His work was not bad in its principle, but imperfect in its execution ; and the motion on your paper presses him only to complete a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, sir, the honourable gentleman who spoke last, is thoroughly satisfied, and satisfied out of the proceedings of ministry on their own favourite act, that his fears from a repeal are groundless. If he is not, I leave him, and the noble lord who sits by him, to settle the matter, as well as they can, together ; for if the repeal of American taxes destroys all our government in America—He is the man !—and he is the worst of all the repealers, because he is the last.

But I hear it rung continually in my ears, now and formerly,—“ the preamble ! what will become of the preamble, if you repeal this tax ? ”—I am sorry to be compelled so often to expose the calamities and

disgraces of parliament. The preamble of this law standing as it now stands, has the lie direct given to it by the provisionary part of the act ; if that can be called provisionary which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the ancient household troops of that side of the house, and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness ; but plain truth and clear evidence can be beat down by no ability. The clerk will be so good as to turn to the act, and to read this favourite preamble.

Whereas it is expedient that a revenue should be raised in your majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and support of civil government, in such provinces where it shall be found necessary ; and towards further defraying the expenses of defending, protecting, and securing the said dominions.

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things ? Five sixths repealed—abandoned—sunk—gone—lost for ever. Does the poor solitary tea duty support the purposes of this preamble ? Is not the supply there stated as effectually abandoned as if the tea duty had perished in the general wreck ? Here, Mr. Speaker, is a precious mockery—a preamble without an act—taxes granted in order to be repealed—and the reasons of the grant still carefully kept up ! This is raising a revenue in America ! This is preserving dignity in England ! If you repeal this tax in compliance with the motion, I readily admit that you lose this fair preamble. Estimate your loss in it. the object of the act is gone already ; and all you suffer is the purging the statute book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again, that the five taxes were repealed on commercial principles. It is so

said in the paper in my hand ;* a paper which I constantly carry about ; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not ; for, if your government in America is destroyed by the *repeal of taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know that, either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America, which this letter is meant to sooth, or in England, which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of commerce, must know, that several of the articles on which the tax was repealed were fitter objects of duties than almost any other articles that could possibly be chosen ; without comparison more so, than the tea that was left taxed ; as infinitely less liable to be eluded by contraband. The tax upon red and white lead was of this nature. You have, in this kingdom, an advantage in lead, that amounts to a monopoly. When you find yourself in this situation of advantage, you sometimes venture to tax even your own export. You did so, soon after the last war ; when upon this principle, you ventured to impose a duty on coals. In all the articles of American contraband trade, who ever heard of the smuggling of red lead, and white lead ? You might, therefore, well enough, without danger of contraband, and without injury to commerce (if this were the whole consideration) have taxed these commodities. The same may be said of glass. Besides, some of the things taxed were so trivial, that the loss of the objects themselves and their utter annihilation out of

* Lord Hillsborough's circular letter to the governours of the colonies concerning the repeal of some of the duties laid in the act of 1767.

American commerce, would have been comparatively as nothing. But is the article of tea such an object in the trade of England, as not to be felt, or felt but slightly, like white lead, and red lead, and painters colours? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connexions, of any in the mighty circle of our commerce. If commercial principles had been the true motives to the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy.

Sir, it is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson, as the conduct of ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated interests in one connected view. They have taken things by bits and scraps, some at one time and one pretence, and some at another, just as they pressed, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties, into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act, which they had not the generous courage, when they found and felt their error, honourably and fairly to disclaim. By such management, by the irresistible operation of feeble councils, so paltry a sum as threepence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe.

Do you forget that, in the very last year, you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India company; and you well know what sort of things are involved in the comprehensive

energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin. Such was your representation—such, in some measure, was your case. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the company, would have prevented all this distress, and all that series of desperate measures which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America; where tea is next to a necessary of life; and where the demand grows upon the supply. I hope our dear bought East India committees have done us at least so much good, as to let us know, that without a more extensive sale of that article our East India revenues and acquisitions can have no certain connexion with this country. It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burthen. They are ponderous indeed; and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the benefit of the west and of the east. This folly has thrown open folding doors to contraband; and will be the means of giving the profits of the trade of your colonies, to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands, at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive, but too comprehensive! vocabulary of finance—a *preambulary tax*. It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a

tax for any thing but benefit to the imposers, or satisfaction to the subject.

Well! but whatever it is, gentleman will force the colonists to take the teas. You will force them? has seven years struggle been yet able to force them? O but it seems we are yet in the right.—The tax is “trifling—in effect it is rather an exoneration than an imposition; three-fourths of the duty formerly payable on teas exported to America is taken off; the place of collection is only shifted; instead of the retention of a shilling from the drawback here, it is threepence custom paid in America.” All this, sir, is very true. But this is the very folly and mischief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass imposed by the same act, was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the drawback, which might have been done, with ease, without charge, without possibility of smuggling; and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole drawback on export, and then you charged the duty (which you had before discharged) payable in the colonies; where it was certain the collection would devour it to the bone; if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could any thing be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of

threepence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is then, sir, upon the *principle* of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts, that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767; and, by something much stronger than words, asserts, that it is not expedient. It is a reflection upon your wisdom to persist in a so-solemn parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, sir, let not this circumstance escape you; it is very material; that the preamble of this act, which we wish to repeal, is not *declaratory of a right*, as some gentlemen seem to argue it; it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for by ways and means, which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are therefore at this moment in the awkward situation of fighting for a phantom; a quiddity; a thing that wants, not only a substance, but even a name; for a thing, which is neither abstract right, nor profitable enjoyment.

They tell you, sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late

been at war with your interest, your equity, and every idea of your policy. Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end; and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity, is more than ever I could discern. The honourable gentleman has said well,—indeed, in most of his *general* observations I agree with him—he says, that this subject does not stand as it did formerly. Oh, certainly not! every hour you continue on this ill chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them, grow upon you every hour of your delay.

But will you repeal the act, says the honourable gentleman, at this instant when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The honourable gentleman remembers, that about five years ago as great disturbances as the present prevailed in America on account of the new taxes. The ministers represented these disturbances as treasonable; and this house thought proper, on that representation, to make a famous address for a revival, and for a new application of a statute of Henry VIII. We besought the king, in that well considered address, to inquire into treasons, and to bring the supposed traitors from America to Great Britain for trial. His majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the house to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the honourable gentleman, was then given as a

reason for shutting the door against all hope of such an alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the speech from the throne proceeds:

"You have assured me of your firm support in the prosecution of them. Nothing, in my opinion, could be more likely to enable the well disposed among my subjects in that part of the world, effectually to discourage and defeat the designs of the factious and seditious, than the hearty concurrence of every branch of the legislature, in maintaining the execution of the laws in every part of my dominions."

After this no man dreamt that a repeal under this ministry could possibly take place. The honourable gentleman knows as well as I, that the idea was utterly exploded by those who sway the house. This speech was made on the ninth day of May, 1769. Five days after this speech, that is on the 13th of the same month, the publick circular letter, a part of which I am going to read to you, was written by Lord Hillsborough, secretary of state for the colonies. After reciting the substance of the king's speech, he goes on thus:

"I can take upon me to assure you, notwithstanding insinuations to the contrary, from men with factious and seditious views, that his majesty's present administration have at no time entertained a design to propose to parliament to lay any further taxes upon America, for the purpose of raising a revenue; and that it is at present their intention to propose, the next session of parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties having been laid contrary to the true principles of commerce.

"These have always been, and still are, the sentiments of his majesty's present servants; and by which their conduct in respect to America has been governed. And his majesty relies upon your prudence and fidelity for such an explanation of his mea-

asures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies; and to re-establish that mutual confidence and affection, upon which the glory and safety of the British empire depend.”

Here, sir, is a canonical book of ministerial scripture; the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised; promised without condition; and while your authority was actually resisted. I pass by the public promise of a peer relative to the repeal of taxes by this house. I pass by the use of the king's name in a matter of supply, that sacred and reserved right of the commons. I conceal the ridiculous figure of parliament, hurling its thunders at the gigantick rebellion of America; and then five days after, prostrate at the feet of those assemblies we affected to despise; begging them, by the intervention of our ministerial sureties, to receive our submission; and heartily promising amendment. These might have been serious matters formerly; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this letter imply, that the idea of taxing America for the purpose of revenue is an abominable project; when the ministry suppose none but factious men, and with seditious views could charge them with it? Does not this letter adopt and sanctify the American distinction of taxing for a revenue? Does it not formally reject all future taxation on that principle? Does it not state the ministerial rejection of such principle of taxation, not as the occasional but the constant opinion of the king's servants? Does it not say (I care not how consistently) but does it not say, that their conduct with regard to America has been *always* governed by this policy? It goes a great deal further. These excellent and trusty servants of the king, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious sovereign from

the inmost and most sacred shrine, and they pawn him as a security for their promises.—“ His majesty relies on your prudence and fidelity for such an explanation of his measures.” These sentiments of the minister, and these measures of his majesty, can only relate to the principle and practice of taxing for a revenue; and accordingly lord Botetourt, stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavour to remove the fears of the Virginian assembly, lest the sentiments, which it seems (unknown to the world) had always been those of the ministers, and by which their conduct in respect to America had been governed, should by some possible revolution, favourable to wicked American taxers, be hereafter counteracted. He addresses them in this manner:

*It may possibly be objected, that as his majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer; that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I for ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be legally invested, in order to obtain and maintain for the continent of America that satisfaction which I have been authorized to promise this day, by the confidential servants of our gracious sovereign, who to my certain knowledge rates his honour so high, that he would rather part with his crown, than preserve it by deceit.**

* A material point is omitted by Mr. Burke in this speech, viz. the manner in which the continent received this royal assurance. The assembly of Virginia, in their address in answer to lord Botetourt's speech, express themselves thus: “ We will not suffer our present hopes, arising from the pleasing prospect your lordship hath so kindly opened and displayed to us, to be dashed by the bitter reflection that any future admi-

A glorious and true character! which (since we suffer his ministers with impunity to answer for his ideas of taxation) we ought to make it our business to enable his majesty to preserve in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

This epistle was not the letter of lord Hillsborough solely; though he held the official pen. It was the letter of the noble lord upon the floor,† and of all the king's then ministers, who (with I think the exception of two only) are his ministers at this hour. The very first news that a British parliament heard of what it was to do with the duties which it had given and granted to the king, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty, how much exactly, and not a scruple more nor less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had *confidential* communications from his majesty's *confidential* servants. We were nothing but instruments. Do you, after this, wonder that you have no weight and no respect in the colonies? After this, are you surprised, that parliament is every day and every where losing (I feel it with sorrow, I utter it with reluctance) that reverential affection, which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this house, the ground and pillar of freedom, is itself held up only by the treacherous under-pinning and clumsy buttresses of arbitrary power?

nistration will entertain a wish to depart from that *plan*, which affords the surest and most permanent foundation of public tranquillity and happiness: No, my lord, we are sure *our most gracious sovereign*, under whatever changes may happen in his confidential servants, will remain immutable in the ways of truth and justice and that he is *incapable of deceiving his faithful subjects*; and we esteem your lordship's information not only as warranted, but even sanctified *by the royal word*."

† Lord North.

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If, in the session of 1768, that session of idle terrour and empty menaces, you had, as you were often pressed to do, repealed these taxes; then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But, preposterously, you began with violence; and before terrours could have any effect, either good or bad, your ministers immediately begged pardon, and promised that repeal to the obstinate Americans which they had refused in an easy, good natured, complying British parliament. The assemblies, which had been publicly and avowedly dissolved for their contumacy, are called together to receive your submission. Your ministerial directors blustered like tragick tyrants here; and then went mumping with a sore leg in America, canting, and whining, and complaining of faction, which represented them as friends to a revenue from the colonies. I hope nobody in this house will hereafter have the impudence to defend American taxes in the name of ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorized terms, they are wretches, "with factious and seditious views; enemies to the peace and prosperity of the mother country and the colonies," and subverters "of the mutual affection and confidence on which the glory and safety of the British empire depend."

After this letter, the question is no more on propriety or dignity. They are gone already. The faith of your sovereign is pledged for the political principle. The general declaration in the letter goes to the whole of it. You must therefore either abandon the scheme of taxing, or you must send the ministers tarred and feathered to America, who dared to hold out the royal faith for a renunciation of all taxes for revenue. Them you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on *red lead*, or *white lead*, or on bro-

ken glass, or *atlas-ordindry*, or *demy-fine* or *blue royal*, or *bastard*, or *fool's cap*, which you have given up; or the threepence on tea which you have retained. The letter went stamp'd with the publick authority of this kingdom. The instructions for the colony government go under no other sanction; and America cannot believe, and will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the colonies for acting on distinctions, held out by that very ministry which is here shining in riches, in favour, and in power; and urging the punishment of the very offence to which they had themselves been the tempters.

Sir, if reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties; why does lord Hillsborough, in disclaiming in the name of the king and ministry their ever having had an intent to tax for revenue, mention it as the means of "reestablishing the confidence and affection of the colonies?" Is it a way of soothing *others*, to assure them that you will take good care of *yourself*? The medium, the only medium, for regaining their affection and confidence, is, that you will take off something oppressive to their minds. Sir, the letter strongly enforces that idea: for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting "the insinuations of men with factious and seditious views," is by a disclaimer of the intention of taxing for revenue, as a constant invariable sentiment and rule of conduct in the government of America.

I remember that the noble lord on the floor, not in a former debate to be sure (it would be disorderly to refer to it, I suppose I read it somewhere) but the noble lord was pleased to say, that he did not conceive how it could enter into the head of man to impose such taxes as those of 1767; I mean those taxes which he voted for imposing, and voted for repealing; as being taxes, contrary to all the principles of commerce, laid on British manufactures.

I dare say the noble lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws; and in the policy which is to be collected out of them. Now, sir, when he had read this act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one) and looked at the act which stands just before in the statute book. The American revenue act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two acts are both to the same purpose; both revenue acts, both taxing out of the kingdom; and both taxing British manufactures exported. As the 45th is an act for raising a revenue in America, the 44th is an act for raising a revenue in the Isle of Man. The two acts perfectly agree in all respects, except one. In the act for taxing the Isle of Man, the noble lord will find (not, as in the American act, four or five articles) but almost the whole body of British manufactures, taxed from two and a half to fifteen per cent. and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten per cent. and this too in the very head quarters, the very citadel of smuggling, the Isle of Man. Now will the noble lord condescend to tell me why he repealed the taxes on your manufactures sent out to America, and not the taxes on the manufactures exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties without comparison higher. Why? why, notwithstanding all his childish pretexts, because the taxes were quietly submitted to in the Isle of Man; and because they raised a flame in America. Your reasons were political, not commercial. The repeal was made, as lord Hillsborough's letter well expresses it, to regain "the confidence and affection of the colonies, on which the glory and safety of the British empire depend." A

wise and just motive surely, if ever there was such. But the mischief and dishonour is, that you have not done what you had given the colonies just cause to expect, when your ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open, decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. The article of tea is slurred over in the circular letter, as it were by accident. Nothing is said of a resolution either to keep that tax, or to give it up. There is no fair dealing in any part of the transaction.

If you mean to follow your true motive and your publick faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name; and which produces you no advantage; no not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to your cant of commerce, you have ten thousand times more strong commercial reasons for giving up this duty on tea, than for abandoning the five others that you have already renounced.

The American consumption of teas is annually, I believe, worth 300,000*l*, at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question—Why did you repeal the others given in the same act, whilst the very same violence subsisted?—But you did not find the violence cease upon that concession. No! because the concession was far short of satisfying the principle which lord Hillsborough had abjured; or even the pretence on which the repeal of the other taxes was announced: and because, by enabling the East India company to open a shop for defeating the American resolution not to pay that specifick tax, you manifestly showed a hankering after the principle of the act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every visto. Your com-

merce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency—all jointly oblige you to this repeal.

But still it sticks in our throats. If we go so far, the Americans will go further.—We do not know that. We ought, from experience, rather to presume the contrary. Do we not know for certain, that the Americans are going on as fast as possible, whilst we refuse to gratify them? Can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turnpike to prevent their further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governours, is peace, good will, order, and esteem, on the part of the governed. I would certainly, at least, give these fair principles a fair trial; which, since the making of this act to this hour, they never have had.

Sir, the honourable gentleman having spoken what he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me by a variety of direct challenges and oblique reflections to say something on the historical part. I shall therefore, sir, open myself fully on that important and delicate subject; not for the sake of telling you a long story (which, I know, Mr. Speaker, you are not particularly fond of) but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. It shall not be longer, if I can help it, than so serious a matter requires.

Permit me then, sir, to lead your attention very far back; back to the act of navigation; the cornerstone of the policy of this country with regard to its colonies. Sir, that policy was, from the beginning, purely commercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced

upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations: hence the innumerable checks and counter checks: hence that infinite variety of paper chains by which you bind together this complicated system of the colonies. This principle of commercial monopoly runs through no less than twenty-nine acts of parliament, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established, as that from whence alone you proposed to make the colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say, that during that whole period, a parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditatedly avoided. I do not say, sir, that a form of words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to show, not what was your right, but what has been your settled policy: Our revenue laws have usually a *title*, purporting their being *grants*; and the words *give and grant* usually precede the enacting parts. Although duties were imposed on America in acts of king Charles the second, and in acts of king William, no one title of giving "an aid to his majesty," or any other of the usual titles to revenue acts, was to be found in any of them till 1764; nor were the words "give and grant" in any preamble until the 6th of George the second. However, the title of this act of George the second, notwithstanding the words of donation, considers it merely as a regulation of trade, "an act for the better securing of the trade of his majesty's sugar colonies in America." This act was made on a compromise of all, and at the express desire of a

part, of the colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained and things were little scrutinized. Even governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, that "it was an act of *prohibition*, not of revenue." This is certainly true, that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book until the year I have mentioned; that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a colony revenue by British authority appeared therefore to the Americans in the light of a great innovation; the words of governor Bernard's ninth letter, written in November 1765, state this idea very strongly; "it must," says he, "have been supposed, *such an innovation as a parliamentary taxation*, would cause a great *alarm*, and meet with much *opposition* in most parts of America. It was *quite new* to the people, and had no *visible bounds* set to it." After stating the weakness of government there, he says, "was this a time to introduce *so great a novelty*, as a parliamentary inland taxation in America?" Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

Sir, they who are friends to the schemes of American revenue say, that the commercial restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore it from the fundamental act of navigation until 1764.—Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The act of navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time

when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their ship building, and their trade too, within the limits, in such a manner as got far the start of the slow, languid operations of unassisted nature. This capital was a hot bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday; than a set of miserable outcasts, a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.

All this was done by England, whilst England pursued trade, and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least four fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition.

I know, sir, that great and not unsuccessful pains have been taken to inflame our minds by an outcry, in this house and out of it, that in America the act of navigation neither is, nor ever was obeyed. But if you take the colonies through, I affirm, that its authority never was disputed; that it was no where disputed for any length of time; and on the whole, that it was well observed. Wherever the act pressed hard, many individuals indeed evaded it. This is nothing. These scattered individuals never denied the law, and never obeyed it. Just as it happens whenever the laws of trade, whenever the laws of revenue, press hard upon the people in England; in that case all your shores are full of contraband. Your right to give a monopoly to the East India company, your right to lay immense duties on French brandy, are not disputed in England. You do not make this charge on any man. But you know that there is not a creek from Pentland Firth to the isle of Wight, in which they do not smuggle immense quantities of teas, East India goods, and brandies. I take it for granted, that the authority of governour Bernard in this point is indisputable. Speaking of these laws, as they regarded that part of America now in so unhappy a condition, he says, "I believe they are no where better supported than in this province. I do not pretend that it is entirely free from a breach of these laws; but that such a breach, if discovered, is justly punished." What more can you say of the obedience to any laws in any country? An obedience to these laws formed the acknowledgment, instituted by yourselves, for your superiority; and was the payment you originally imposed for your protection.

Whether you were right or wrong in establishing the colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of a universal internal and external monopoly, with a universal internal and external taxation is an unnatural union, perfect uncompensated slavery. You

have long since decided for yourself and them ; and you and they have prospered exceedingly under that decision.

This nation, sir, never thought of departing from that choice until the period immediately on the close of the last war. Then a scheme of government new in many things seemed to have been adopted. I saw, or thought I saw, several symptoms of a great change, whilst I sat in your gallery, a good while before I had the honour of a seat in this house. At that period the necessity was established of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this house. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burthen. Country gentlemen, the great patrons of economy, and the great resisters of a standing armed force, would not have entered with much alacrity into the vote for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them ; and in particular, I well remember, that Mr. Townsend, in a brilliant harangue on this subject, did dazzle them, by playing before their eyes the image of a revenue to be raised in America.

Here began to dawn the first glimmerings of this new colony system. It appeared more distinctly afterwards, when it was devolved upon a person to whom, on other accounts, this country owes very great obligations. I do believe, that he had a very serious desire to benefit the publick. But with no small study of the detail, he did not seem to have his view, at least equally, carried to the total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him

altogether; whether it was entirely the result of his own speculation; or, what is more probable, that his own ideas rather coincided with the instructions he had received; certain it is, that, with the best intentions in the world, he first brought this fatal scheme into form, and established it by act of parliament.

No man can believe, that at this time of day I mean to lean on the venerable memory of a great man, whose loss we deplore in common. Our little party differences have been long ago composed; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr. Grenville was a first rate figure in this country. With a masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearied. He took publick business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy; and he seemed to have no delight out of this house, except in such things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and generous strain. It was to raise himself, not by the low, pimping, politicks of a court, but to win his way to power, through the laborious gradations of publick service; and to secure himself a well earned rank in parliament, by a thorough knowledge of its constitution, and a perfect practice in all its business.

Sir, if such a man fell into errors, it must be from defects not intrinsic; they must be rather sought in the particular habits of his life; which, though they do not alter the groundwork of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together; but it is not apt, except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study he did not go very largely into the world; but

plunged into business; I mean into the business of office; and the limited and fixed methods and forms established there. Much knowledge is to be had undoubtedly in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant in office, are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn to think the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office do admirably well, as long as things go on in their common order; but when the high roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite than ever office gave, or than office can ever give. Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol. I mean the act of navigation. He has often professed it to be so. The policy of that act is, I readily admit, in many respects well understood. But I do say, that if the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundancy, and breaking its banks on the right and on the left, it

spread out upon some places, where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband will always keep pace in some measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils, which are closely connected with the cause of our prosperity. Perhaps this great person turned his eye somewhat less than was just, towards the incredible increase of the fair trade; and looked with something of too exquisite a jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject; and even began to act from that passion earlier than is commonly imagined. For whilst he was first lord of the admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the lords of the treasury (my lord Bute was then at the head of the board) heavily complaining of the growth of the illicit commerce in America. Some mischief happened even at that time from this over-earnest zeal. Much greater happened afterwards when it operated with greater power in the highest department of the finances. The bonds of the act of navigation were straitened so much, that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution then used, the act no longer tying but actually strangling them. All this coming with new enumerations of commodities; with regulations which in a manner put a stop to the mutual coasting intercourse of the colonies; with the appointment of courts of admiralty under various improper circumstances; with a sudden extinction of the paper currencies; with a compulsory provision for the quartering of soldiers; the people of America thought themselves proceeded against as delinquents, or at best as people under suspicion of delinquency: and in such a manner, as they imagined, their recent services in the war did not at all merit. Any of

these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

But the grand manoeuvre in that business of new regulating the colonies, was the 15th act of the fourth of George III, which, besides containing several of the matters to which I have just alluded, opened a new principle: and here properly began the second period of the policy of this country with regard to the colonies, by which the scheme of a regular plantation parliamentary revenue was adopted in theory, and settled in practice. A revenue not substituted in the place of, but superadded to a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

This act, sir, had for the first time the title of "granting duties in the colonies and plantations of America;" and for the first time it was asserted in the preamble, "that it was *just and necessary* that a revenue should be raised there." Then came the technical words of "giving and granting" and thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the colonies, without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words—the commons, &c.—"being desirous to make *some* provision in the *present* session of parliament *towards* raising the said revenue." By these words it appeared to the colonies, that this act was but a beginning of sorrows; that every session was to produce something of the same kind; that we were to go on from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in

extent, and endles in duration. Sir, they were not mistaken. The ministry valued themselves when this act passed, and when they gave notice of the stamp act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that when the first American revenue act (the act in 1764, imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet novices; as yet unaccustomed to direct attacks upon any of the rights of parliament. The duties were port duties, like those they had been accustomed to bear; with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shows, out of their own mouths, that our colonies were backward to enter into the present vexatious and ruinous controversy.

There is also another circulation abroad (spread with a malignant intention, which I cannot attribute to those who say the same thing in this house) that Mr. Grenville gave the colony agents an option for their assemblies to tax themselves, which they had refused. I find that much stress is laid on this, as a fact. However, it happens neither to be true nor possible. I will observe first, that Mr. Grenville never thought fit to make this apology for himself in the innumerable debates that were had upon the subject. He might have proposed to the colony agents, that they should agree in some mode of taxation as the ground of an act of parliament. But he never could have proposed that they should

tax themselves on requisition, which is the assertion of the day. Indeed, Mr. Grenville well knew, that the colony agents could have no general powers to consent to it; and they had no time to consult their assemblies for particular powers, before he passed his first revenue act. If you compare dates, you will find it impossible. Burthened as the agents knew the colonies were at that time, they could not give the least hope of such grants. His own favourite governour was of opinion that the Americans were not then taxable objects :

“Nor was the time less favourable to the equity of such a taxation. I don't mean to dispute the reasonableness of America contributing to the charges of Great Britain when she is able; nor, I believe, would the Americans themselves have disputed it, at a proper time and season. But it should be considered, that the American governments themselves have, in the prosecution of the late war, contracted very large debts; which it will take some years to pay off, and in the mean time occasion very burthensome taxes for that purpose only. For instance, this government, which is as much before-hand as any, raises every year 37,500*l.* sterling for sinking their debt, and must continue it for four years longer at least before it will be clear.”

These are the words of governour Bernard's letter to a member of the old ministry, and which he has since printed. Mr. Grenville could not have made this proposition to the agents, for another reason. He was of opinion, which he has declared in this house a hundred times, that the colonies could not legally grant any revenue to the crown; and that infinite mischiefs would be the consequence of such a power. When Mr. Grenville had passed the first revenue act, and in the same session had made this house come to a resolution for laying a stamp duty on America, between that time and the passing the stamp-act into a law, he told a considerable and most respectable merchant, a member of this house, whom I am truly sorry I do not now see

in his place, when he represented against this proceeding, that if the stamp duty was disliked, he was willing to exchange it for any other equally productive ; but that, if he objected to the Americans being taxed by parliament, he might save himself the trouble of the discussion, as he was determined on the measure. This is the fact, and, if you please, I will mention a very unquestionable authority for it.

Thus, sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said, that no conjecture could be made of the dislike of the colonies to the principle. This is as untrue as the other. After the resolution of the house, and before the passing of the stamp act, the colonies of Massachusetts Bay and New York did send remonstrances, objecting to this mode of parliamentary taxation. What was the consequence? They were suppressed; they were put under the table; notwithstanding an order of council to the contrary, by the ministry which composed the very council that had made the order; and thus the house proceeded to its business of taxing without the least regular knowledge of the objections which were made to it. But to give that house its due, it was not over desirous to receive information, or to hear remonstrance. On the 15th of February 1765, whilst the stamp act was under deliberation, they refused with scorn even so much as to receive four petitions presented from so respectable colonies as Connecticut, Rhode-Island, Virginia, and Carolina; besides one from the traders of Jamaica. As to the colonies, they had no alternative left to them, but to disobey; or to pay the taxes imposed by that parliament which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

This was the state of the colonies before his majesty thought fit to change his ministers. It stands upon no authority of mine. It is proved by incontrovertible records. The honourable gentleman has desired some of us to lay our hands upon our hearts, and answer to his queries upon the historical part of this consideration; and by his manner (as well as

my eyes could discern it) he seemed to address himself to me.

Sir, I will answer him as clearly as I am able, and with great openness. I have nothing to conceal. In the year sixty-five, being in a very private station, far enough from any line of business, and not having the honour of a seat in this house, it was my fortune, unknowing and unknown to the then ministry, by the intervention of a common friend, to become connected with a very noble person, and at the head of the treasury department. It was indeed in a situation of little rank and no consequence, suitable to the mediocrity of my talents and pretensions. But a situation near enough to enable me to see, as well as others, what was going on; and I did see in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, Lord Rockingham very early in that summer received a strong representation from many weighty English merchants and manufacturers, from governours of provinces and commanders of men of war, against almost the whole of the American commercial regulations; and particularly with regard to the total ruin which was threatened to the Spanish trade. I believe, sir, the noble lord soon saw his way in this business. But he did not rashly determine against acts which it might be supposed were the result of much deliberation. However, sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except those who knew and felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and publick law. On the other, the act of navigation and all the corps of trade laws were drawn up in array against it.

The first step the noble lord took, was to have the opinion of his excellent, learned, and ever lamented friend the late Mr. Yorke, then attorney general, on

the point of law. When he knew that formally and officially, which in substance he had known before, he immediately despatched orders to redress the grievance. But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very same orders, if the acts of trade had been, as they were not, directly against him; and would have cheerfully submitted to the equity of parliament for his indemnity.

On the conclusion of this business of the Spanish trade, the news of the troubles, on account of the stamp act, arrived in England. It was not until the end of October that these accounts were received. No sooner had the sound of that mighty tempest reached us in England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out, that the ministry, from envy to the glory of their predecessors, were prepared to repeal the stamp act. Near nine years after, the honourable gentleman takes quite opposite ground, and now challenges me to put my hand to my heart, and say, whether the ministry had resolved on the repeal till a considerable time after the meeting of parliament. Though I do not very well know what the honourable gentleman wishes to infer from the admission or from the denial of this fact, on which he so earnestly adjures me, I do put my hand on my heart, and assure him, that they did *not* come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of parliament; but it was determined, and the main lines of their own plan marked out, before that meeting. Two questions arose. I hope I am not going into a narrative troublesome to the house.

[A cry of go on, go on.]

The first of the two considerations was, whether the repeal should be total, or whether only partial; taking out every thing burthensome and productive, and reserving only an empty acknowledgement, such as a stamp on cards or dice. The other question was, on what principle the act should be repealed? On this head also two principles were started. One, that the legislative rights of this country, with regard to America, were not entire, but had certain restrictions and limitations. The other principle was, that taxes of this kind were contrary to the fundamental principles of commerce on which the colonies were founded; and contrary to every idea of political equity; by which equity we are bound, as much as possible to extend the spirit and benefit of the British constitution to every part of the British dominions. The option, both of the measure, and of the principle of repeal, was made before the session; and I wonder how any one can read the king's speech at the opening of that session, without seeing in that speech both the repeal and the declaratory act very sufficiently crayoned out. Those who cannot see this can see nothing.

Surely the honourable gentleman will not think that a great deal less time than was then employed, ought to have been spent in deliberation; when he considers that the news of the troubles did not arrive till towards the end of October. The parliament sat to fill the vacancies on the 14th day of December, and on business the 14th of the following January.

Sir, a partial repeal, or, as the *bon ton* of the court then was, a *modification*, would have satisfied a timid, unsystematick, procrastinating ministry, as such a measure has since done such a ministry. A modification is the constant resource of weak undeciding minds. To repeal by a denial of our right to tax in the preamble (and this too did not want advisers) would have cut, in the heroick style, the gordian knot with a sword. Either measure would have cost no more than a day's debate. But when the total

repeal was adopted, and adopted on principles of policy, of equity, and of commerce, this plan made it necessary to enter into many and difficult measures. It became necessary to open a very large field of evidence commensurate to these extensive views. But then this labour did knights service. It opened the eyes of several to the true state of the American affairs; it enlarged their ideas; it removed prejudices; and it conciliated the opinions and affections of men. The noble lord, who then took the lead in the administration, my honourable friend * under me, and a right honourable gentleman † (if he will not reject his share, and it was a large one, of this business) exerted the most laudable industry in bringing before you the fullest, most impartial, and least garbled body of evidence that ever was produced to this house. I think the inquiry lasted in the committee for six weeks; and at its conclusion this house, by an independent, noble, spirited, and unexpected majority; by a majority that will redeem all the acts ever done by majorities in parliament, in the teeth of all the old mercenary Swiss of state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of a court, gave a total repeal to the stamp act, and (if it had been so permitted) a lasting peace to this whole empire.

I state, sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this house, attributed to timidity. If, sir, the conduct of ministry, in proposing the repeal, had arisen from timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the cabinet, as personal timidity does in the field. But timidity, with regard to the well being of our country, is heroick virtue. The noble lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of

* Mr. Dowdeswell.

† General Conway.

such distresses as you have since brought upon yourselves, were not afraid steadily to look in the face that glaring and dazzling influence at which the eyes of eagles have blenched. He looked in the face one of the ablest, and, let me say, not the most scrupulous oppositions, that perhaps ever was in this house, and withstood it, unaided by, even one of the usual supporters of administration. He did this when he repealed the stamp act. He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting. I mean Lord Chatham. He did this when he passed the declaratory act.

It is now given out, for the usual purposes, by the usual emissaries, that lord Rockingham did not consent to the repeal of this act until he was bullied into it by lord Chatham; and the reporters have gone so far as publicly to assert, in a hundred companies, that the honourable gentleman under the gallery,* who proposed the repeal in the American committee, had another set of resolutions in his pocket directly the reverse of those he moved. These artifices of a desperate cause are, at this time, spread abroad with incredible care, in every part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends for the absurdity of the report.

Sir, whether the noble lord is of a complexion to be bullied by lord Chatham, or by any man, I must submit to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most trying situations in which, perhaps, any man ever stood. In the house of peers there were very few of the ministry, out of the noble lord's own particular connexion (except lord Egmont, who acted, as far as I could discern, an honourable and manly part) that did not look to some other future arrangement, which warped his politicks. There were in both houses new and menacing appearances, that might very

* General Conway.

naturally drive any other, than a most resolute minister, from his measure or from his station. The household troops openly revolted. The allies of ministry (those I mean who supported some of their measures, but refused responsibility for any) endeavoured to undermine their credit, and to take ground that must be fatal to the success of the very cause which they would be thought to countenance. The question of the repeal was brought on by ministry in the committee of this house, in the very instant when it was known that more than one court negotiation was carrying on with the heads of the opposition. Every thing, upon every side, was full of traps and mines. Earth below shook; heaven above menaced; all the elements of ministerial safety were dissolved. It was in the midst of this chaos of plots and counter plots; it was in the midst of this complicated warfare against publick opposition and private treachery, that the firmness of that noble person was put to the proof. He never stirred from his ground; no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

I will likewise do justice, I ought to do it, to the honourable gentleman who led us in this house.* Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from any body) the true state of things; but, in my life, I never came with so much spirits into this house. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends; and a glorious cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. We did fight that day and conquer.

* General Conway.

I remember, sir, with a melancholy pleasure, the situation of the honourable gentleman* who made the motion for the repeal, in that crisis, when the whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When, at length, you had determined in their favour, and your doors, thrown open, showed them the figure of their deliverer in the well earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung upon him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the scripture of the first martyr, "his face was as if it had been the face of an angel." I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope, that that day's danger and honour would have been a bond to hold us all together for ever. But, alas! that, with other pleasing visions, is long since vanished.

Sir, this act of supreme magnanimity has been represented, as if it had been a measure of an administration, that, having no scheme of their own, took a middle line, pilfered a bit from one side and a bit from the other. Sir, they took *no* middle lines. They differed fundamentally from the schemes of both parties; but they preserved the objects of both. They preserved the authority of Great Britain. They preserved the equity of Great Britain. They made the declaratory act. They repealed the stamp act. They did both *fully*; because the declaratory act

* General Conway.

was *without qualification*; and the repeal of the stamp act *total*. This they did in the situation I have described.

Now, sir, what will the adversary say to both these acts? If the principle of the declaratory act was not good, the principle we are contending for this day is monstrous. If the principle of the repeal was not good, why are we not at war for a real substantial effective revenue? If both were bad, why has this ministry incurred all the inconveniencies of both and of all schemes? Why have they enacted, repealed, enforced, yielded, and now attempt to enforce again?

Sir, I think I may as well now, as at any other time, speak to a certain matter of fact, not wholly unrelated to the question under your consideration. We, who would persuade you to revert to the ancient policy of this kingdom, labour under the effect of this short current phrase, which the court leaders have given out to all their corps, in order to take away the credit of those who would prevent you from that frantick war you are going to wage upon your colonies. Their cant is this: "All the disturbances in America have been created by the repeal of the stamp act." I suppress for a moment my indignation at the falsehood, baseness, and absurdity of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that repeal, after the repeal, and since the renewal of the schemes of American taxation.

It is said, that the disturbances, if there were any before the repeal, were slight; and without difficulty or inconvenience might have been suppressed. For an answer to this assertion I will send you to the great author and patron of the stamp act, who certainly meaning well to the authority of this country, and fully apprized of the state of that, made, before a repeal was so much as agitated in this house, the motion which is on your journals; and which, to save

the clerk the trouble of turning to it, I will now read to you. It was for an amendment to the address of the 17th of December, 1765 :

“ To express our just resentment and indignation at the outrageous tumults and insurrections which have been excited and carried on in North America ; and at the resistance given by open and rebellious force to the execution of the laws in that part of his majesty’s dominions. And to assure his majesty, that his faithful commons, animated with the warmest duty and attachment to his royal person and government, will firmly and effectually support his majesty in all such measures as shall be necessary for preserving and supporting the legal dependance of the colonies on the mother country.” &c. &c.

Here was certainly a disturbance preceding the repeal ; such a disturbance as Mr. Grenville thought necessary to qualify by the name of an insurrection, and the epithet of a rebellious force : terms much stronger than any, by which, those who then supported his motion, have ever since thought proper to distinguish the subsequent disturbances in America. They were disturbances which seemed to him and his friends to justify as strong a promise of support, as hath been usual to give in the beginning of a war with the most powerful and declared enemies. When the accounts of the American governours came before the house, they appeared stronger even than the warmth of publick imagination had painted them ; so much stronger, that the papers on your table bear me out in saying, that all the late disturbances, which have been at one time the minister’s motives for the repeal of five out of six of the new court taxes, and are now his pretences for refusing to repeal that sixth, did not amount—why do I compare them ? no, not to a tenth part of the tumults and violence which prevailed long before the repeal of that act.

Ministry cannot refuse the authority of the commander in chief, general Gage, who in his letter of the 4th of November, from New York, thus represents the state of things :

“ It is difficult to say, from the highest to the lowest, who has not been accessory to this insurrection, either by writing or mutual agreements to oppose the act, by what they are pleased to term all legal opposition to it. Nothing effectually has been proposed, either to prevent or quell the tumult. The rest of the provinces are in the same situation as to a positive refusal to take the stamps; and threatening those who shall take them, to plunder and murder them; and this affair stands in all the provinces, that unless the act, from its own nature, enforce itself, nothing but a very considerable military force can do it.”

It is remarkable, sir, that the persons who formerly trumpeted forth the most loudly, the violent resolutions of assemblies; the universal insurrections; the seizing and burning the stamped papers; the forcing stamp officers to resign their commissions under the gallows; the rifling and pulling down of the houses of magistrates; and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of parliament; these very trumpeters are now the men that represent the whole as a mere trifle; and choose to date all the disturbances from the repeal of the stamp act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the disturbances as owing to their true causes, the discontent of the people, from the taxes. You have this evidence in your own archives—and it will give you complete satisfaction; if you are not so far lost to all parliamentary ideas of information, as rather to credit the lie of the day, than the records of your own house.

Sir, this vermin of court reporters, when they are forced into day upon one point, are sure to burrow in another; but they shall have no refuge; I will make them bolt out of all their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attri-

bute the ill effect of ill judged conduct to the arguments which had been used to dissuade us from it. They say, that the opposition made in parliament to the stamp act at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume, from an advocate of that faction, a doctor Tucker. This doctor Tucker is already a dean, and his earnest labours in this vineyard will, I suppose, raise him to a bishoprick. But this assertion too, just like the rest, is false. In all the papers which have loaded your table; in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the house; not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the stamp act, I sat as a stranger in your gallery when the act was under consideration. Far from any thing inflammatory, I never heard a more languid debate in this house. No more than two or three gentlemen, as I remember, spoke against the act, and that with great reserve and remarkable temper. There was but one division in the whole progress of the bill; and the minority did not reach to more than 39 or 40. In the house of lords I do not recollect that there was any debate or division at all. I am sure there was no protest. In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lie of the same nature of the former. It is this, that the disturbances arose from the account which had been received in America of the change in the ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators choose to qualify by the name of so feeble a ministry as succeeded. Feeble in one sense

these men certainly may be called ; for with all their efforts, and they have made many, they have not been able to resist the distempered vigour, and insane alacrity with which you are rushing to your ruin. But it does so happen, that the falsity of this circulation is, like the rest, demonstrated by indisputable dates and records.

So little was the change known in America, that the letters of your governours, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the old ministry, and particularly to the earl of Halifax, the secretary of state corresponding with the colonies, without once in the smallest degree intimating the slightest suspicion of any ministerial revolution whatsoever. The ministry was not changed in England until the 10th day of July 1765. On the 14th of the preceding June, governour Fauquier from Virginia writes thus; and writes thus to the earl of Halifax : " Government is set at defiance, not having strength enough in her hands to enforce obedience to the laws of the country. The private distress which every man feels, increases the general dissatisfaction at the duties laid by the stamp act, which breaks out, and shows itself upon every trifling occasion." The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong publick resolves against the stamp act ; and those resolves are assigned by governour Bernard, as the cause of the insurrections in Massachusetts's Bay, in his letter of the 15th of August, still addressed to the earl of Halifax ; and he continued to address such accounts to that minister quite to the 7th of September of the same year. Similar accounts, and of as late a date, were sent from other governours, and all directed to lord Halifax. Not one of these letters indicates the slightest idea of a change, either known, or even apprehended.

Thus are blown away the insect race of courtly falsehoods ! thus perish the miserable inventions of the wretched runners for a wretched cause, which they have flyblown into every weak and rotten part of

the country, in vain hopes, that when their maggots had taken wing, their importunate buzzing might sound something like the publick voice !

Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the honourable gentleman who so stoutly challenges us, to tell, whether, after the repeal, the provinces were quiet? This is coming home to the point. Here I meet him directly ; and answer most readily : *They were quiet.* And I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession? or that even your other revenue laws were attacked? But I quit the vantage ground on which I stand, and where I might leave the burthen of the proof upon him. I walk down upon the open plain, and undertake to show, that they were not only quiet, but showed many unequivocal marks of acknowledgment and gratitude. And to give him every advantage, I select the obnoxious colony of Massachusetts's Bay, which at this time (but without hearing her) is so heavily a culprit before parliament. I will select their proceedings even under circumstances of no small irritation. For, a little imprudently, I must say, governour Bernard mixed in the administration of the lenitive of the repeal no small acrimony arising from matters of a separate nature. Yet see, sir, the effect of that lenitive, though mixed with these bitter ingredients ; and how this rugged people can express themselves on a measure of concession.

"If it is not in our power," say they in their address to governour Bernard, "in so full a manner as will be expected, to show our respectful gratitude to the mother country, or to make a dutiful and affectionate return to the indulgence of the king and parliament, it shall be no fault of ours ; for this we intend, and hope we shall be able fully to effect."

Would to God that this temper had been cultivated, managed, and set in action ! Other effects than those

which we have since felt would have resulted from it. On the requisition for compensation to those who had suffered from the violence of the populace, in the same address they say: "The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we will embrace the first convenient opportunity to consider and act upon." They did consider; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon; but it was substantially obeyed; and much better obeyed, than I fear the parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various ways demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when a whole people are concerned, that acts of lenity are not means of conciliation.

I hope the honourable gentleman has received a fair and full answer to his question.

I have done with the third period of your policy; that of your repeal; and the return of your ancient system, and your ancient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The state, in the condition I have described it, was delivered into the hands of lord Chat-ham—a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called,

Clarum et venerabile nomen

Gentibus, et multum nostræ quod proderat urbi.

Sir, the venerable age of this great man, his merited rank, his superiour eloquence, his splendid qualities,

his eminent services, the vast space he fills in the eye of mankind ; and, more than all the rest, his fall from power, which, like death, canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him ; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time, to be governed too much by general maxims. I speak with the freedom of history, and, I hope, without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself ; and for that reason, among others perhaps, fatal to his country ; measures, the effects of which I am afraid, are for ever incurable. He made an administration, so checkered and speckled ; he put together a piece of joinery, so crossly indented and whimsically dovetailed ; a cabinet so variously inlaid ; such a piece of diversified mosaick ; such a tessellated pavement without cement ; here a bit of black stone, and there a bit of white ; patriots and courtiers, king's friends and republicans, whigs and tories, treacherous friends and open enemies ; that it was indeed a very curious show, but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, " Sir, your name ?—Sir, you have the advantage of me—Mr. Such-a-one—I beg a thousand pardons." I venture to say, it did so happen, that persons had a single office divided between them, who had never spoke to each other in their lives ; until they found themselves, they knew not how, pigging together, heads and points, in the same truckle bed.*

* Supposed to allude to the right honourable lord North, and George Cooke, Esq. who were made joint paymasters in the summer of 1766, on the removal of the Rockingham administration.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from publick cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted, to seem, as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, which was justified even in its extravagance by his superiour abilities, had never, in any instance, presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set, they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when every thing was publicly transacted, and with great parade, in his name, they made an act, declaring it highly just and expedient to raise a revenue in America. For even then, sir, even before this splendid orb was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant.

This light too is passed and set for ever. You understand, to be sure, that I speak of Charles Townsend, officially the reproducer of this fatal scheme; whom I cannot even now remember without some degree of sensibility. In truth, sir, he was the delight and ornament of this house, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock, as some have had who flourished formerly, of knowledge long treasured up, he knew better by far, than any man I ever was acquainted with, how to bring together within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation, and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the house just between wind and water.—And not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or more earnest, than the pre-conceived opinions, and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the house; and he seemed to guide, because he was always sure to follow it.

I beg pardon, sir, if when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guide-posts and land-marks in the state. The credit of such men at court, or in the nation, is the sole cause of all the publick measures. It would be an invidious thing (most foreign I trust to what you think my disposition) to remark the errors into which the authority of great names has brought the nation,

without doing justice at the same time to the great qualities, whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of excellence has gone before them. There are many young members in the house (such of late has been the rapid succession of publick men) who never saw that prodigy Charles Townshend ; nor of course know what a ferment he was able to excite in every thing by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly. Many of us remember them. We are this day considering the effect of them. But he had no failings which were not owing to a noble cause ; to an ardent, generous, perhaps an immoderate passion for fame ; a passion which is the instinct of all great souls. He worshipped that goddess wheresoever she appeared ; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the house of commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe, that this house has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great publick collections of men, you possess a marked love of virtue, and an abhorrence of vice. But among vices, there is none, which the house abhors in the same degree with *obstinacy*. Obstinacy, sir, is certainly a great-vice ; and in the changeful state of political affairs it is frequently the cause of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness, are closely allied to this disagreeable quality, of which you have so just an abhorrence ; and in their excess, all these virtues very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgusting to you.

That fear of displeasing those who ought most to be pleased, betrayed him sometimes into the other

extreme. He had voted, and in the year 1765, had been an advocate for the stamp act. Things and the disposition of men's minds were changed. In short, the stamp act began to be no favourite in this house. He therefore attended at the private meeting, in which the resolutions moved by a right honourable gentleman were settled; resolutions leading to the repeal. The next day he voted for that repeal; and he would have spoken for it too, if an illness (not as was then given out a political) but to my knowledge, a very real illness, had not prevented it.

The very next session, as the fashion of this world passeth away, the repeal began to be in as bad an odour in this house as the stamp act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the winter that a revenue must be had out of America. Instantly he was tied down to his engagements by some who had no objection to such experiments, when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the king stood in a sort of humiliated state, until something of the kind should be done.

Here this extraordinary man, then chancellor of the exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However, he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and, except that on tea, which touched only the devoted East India company on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea

was reduced from a shilling to three pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the house. He never thought, did, or said any thing but with a view to you. He every day adapted himself to your disposition; and adjusted himself before it as at a looking glass.

He had observed (indeed it could not escape him) that several persons, infinitely his inferiours in all respects, had formerly rendered themselves considerable in this house by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles, from any order or system in their politicks, or from any sequel or connexion in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them. Each party gaped, and looked alternately for their vote, almost to the end of their speeches. While the house hung in this uncertainty, now the *hear-hims* rose from this side—now they rebellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one, to whom, a single whiff of incense withheld gave much greater pain, than he received delight, in the clouds of it, which daily rose about him from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honours; and his great aim was to make those agree

in admiration of him who never agreed in any thing else.

Hence arose this unfortunate act, the subject of this day's debate ; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

This revenue act of 1767, formed the fourth period of American policy. How we have fared since then ; what woful variety of schemes have been adopted ; what enforcing, and what repealing ; what bullying, and what submitting ; what doing, and undoing ; what straining, and what relaxing ; what assemblies dissolved for not obeying, and called again without obedience ; what troops sent out to quell resistance, and on meeting that resistance, recalled ; what shiftings, and changes, and jumbings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much as a decent unity of colour in any one publick measure.—It is a tedious, irksome task. My duty may call me to open it out some other time ;* on a former occasion I tried your temper on a part of it ; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of parliament, stating, that “ it is *expedient* to raise a revenue in America.” By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in the place of it. A secretary of state has disclaimed, in the king's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with

* Resolutions in May 1770.

the assurance authentically conveyed to the colonies ; and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one ; not being able to discern any grounds of honour, advantage, peace, or power, for adhering, either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right, or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further but unreasonable claims, why then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace ; with better effect ; and with great probable concurrence of all the quiet and rational people in the provinces, who are now united with, and hurried away by the violent ; having indeed different dispositions, but a common interest. If you apprehend that on a concession you shall be punished by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this : When you have recovered your old, your strong, your tenable position, then face about—stop short—do nothing more—reason not at all—oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question ; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your ministers, in their own and his majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves ; and I think they will acquiesce in it, if they are not pushed with too much logick and too little sense, in all the consequences. That is, if external taxation be understood,

as they and you understand it when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity. Try it. I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the long story with which I have exercised your patience, prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the honourable gentleman * for the repeal, could go to America without the attendance of the penal bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocency. Though you should send out this angel of peace, yet you are sending out a destroying angel too; and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury—All this is in the hand of Providence; yet now, even now, I should confide in the prevailing virtue, and efficacious operation of lenity, though working in darkness, and in chaos, in the midst of all this unnatural and turbid combination. I should hope it might produce order and beauty in the end.

Let us, sir, embrace some system or other before we end this session. Do you mean to tax America,

* Mr. Fuller.

and to draw a productive revenue from thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight when you have something to fight for. If you murder—rob! If you kill, take possession: and do not appear in the character of madmen, as well as assassins, violent, vindictive, bloody, and tyrannical, without an object. But may better counsels guide you!

Again, and again, revert to your old principles—seek peace and ensue it. Leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions. I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No body will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability;

let the best of them get up, and tell me, what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry, by all the restraints you can imagine on commerce, and at the same time are made pack horses of every tax you choose to impose, without the least share in granting them. When they bear the burthens of unlimited monopoly, will you bring them to bear the burthens of unlimited revenue too? The Englishman in America will feel that this is slavery—that it is *legal* slavery, will be no compensation, either to his feelings or his understanding.

A noble lord,* who spoke some time ago, is full of the fire of ingenuous youth; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament to his country in either house. He has said that the Americans are our children, and how can they revolt against their parent? He says, that if they are not free in their present state, England is not free; because Manchester, and other considerable places are not represented. So then, because some towns in England are not represented, America is to have no representative at all. They are “our children;” but when children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty; are we to turn to them the shameful parts of our constitution? Are we to give them our weakness for their strength; our opprobrium for their glory; and the slough of slavery, which we are not able to work off, to serve them for their freedom?

* Lord Carmarthen.

If this be the case, ask yourselves this question: Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a people, who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that, after wading up to your eyes in blood, you could only end just where you began; that is, to tax where no revenue is to be found, to—my voice fails me; my inclination indeed carries me no further—all is confusion beyond it.

Well, sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the declaratory act asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part I look upon the rights stated in that act, exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcileable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her imperial character; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides, and controls them all without annihilating any. As all these provincial legislatures are only coordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude

of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed. What! Shall there be no reserved power in the empire, to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war—the secretary of state calls upon the colonies to contribute—some would do it, I think most would cheerfully furnish whatever is demanded—one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others—surely it is proper, that some authority might legally say—“Tax yourselves for the common supply, or parliament will do it for you.” This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissensions in the colony. But, whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in parliament as an instrument of empire, and not as a means of supply.

Such, sir, is my idea of the constitution of the British empire, as distinguished from the constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole; whether to serve a refining speculatist, or a factious demagogue, I know not; but enough surely for the ease and happiness of man.

Sir, whilst we held this happy course, we drew more from the colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied; and what reason have we to imagine

that the colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course; by attempting to take, instead of being satisfied to receive? Sir William Temple says, that Holland has loaded itself with ten times the impositions which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate, nor how to extract.

I charge therefore to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for. It is morally certain, that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces, never could have pursued, even in that light, a course more directly repugnant to their purposes.

Now, sir, I trust I have shown, first on that narrow ground which the honourable gentleman measured, that you are like to lose nothing by complying with the motion, except what you have lost already. I have shown afterwards, that in time of peace you flourished in commerce, and when war required it, had sufficient aid from the colonies, while you pursued your ancient policy; that you threw every thing into confusion when you made the stamp act; and that you restored every thing to peace and order when you repealed it. I have shown that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced not partial good, but universal evil. Let these considerations, founded on facts, not one of which can be denied, bring us back to our reason by the road of our experience.

I cannot, as I have said, answer for mixed measures; but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before

you. Then you may enforce the act of navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancour. Let us act like men, let us act like statesmen: Let us hold some sort of consistent conduct. It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

On this business of America, I confess I am serious even to sadness. I have had but one opinion concerning it since I sat, and before I sat in parliament. The noble lord* will, as usual, probably, attribute the part taken by me and my friends in this business, to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand answerable to God for embracing a system that tends to the destruction of some of the very best and fairest of his works. But I know the map of England, as well as the noble lord, or as any other person; and I know that the way I take is not the road to preferment. My excellent and honourable friend under me on the floor,† has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honour. Long may we tread the same road together; whoever may accompany us, or whoever may laugh at us on our journey. I honestly and solemnly declare, I have in all seasons adhered to the system of 1766, for no other reason, than that I think it laid deep in your truest interests—and that, by limiting the exercise, it fixes on the firmest foundations, a real, consistent, well grounded authority in parliament. Until you come back to that system, there will be no peace for England.

* Lord North.

† Mr. Dowdeswell.



LORD CHATHAM'S SPEECH,

DELIVERED IN THE HOUSE OF LORDS, JANUARY THE 9th,
1770, IN REPLY TO LORD MANSFIELD, ON AN AMENDMENT
TO THE ADDRESS TO THE THRONE.

DISGUSTED with the conduct of the cabinet over which he presided, without the power of control or direction, lord Chatham resigned his place late in the year 1768, and with a mind soured by discontent, and enfeebled by the anguish of disease, retreated from publick life to the privacy of the country, where he resided for nearly two years.

During his retirement, he estranged himself so entirely from the concerns of politicks and the strife of party, that his former lofty pretensions and commanding influence in the state dwindled to insignificance, and he to whom every eye was once directed, attracted, for that time, little regard or attention.

This relaxation, however, produced, very unexpectedly, the restoration of his health, and by a reconciliation with his nearest relative, lord Temple, the solace of whose friendship he seems to have required, his mind, long clouded and oppressed, again shone forth with a brightness and intensity of force, not surpassed in the meridian of its splendid career.

At the meeting of parliament, January 9th 1770, he resumed his seat in the House of Lords, and on the motion for the address to the throne, pronounced one of the most celebrated of his speeches, which, unfortunately, is imperfectly preserved. He commenced it in a very impressive manner. "At my advanced period of life, my lords, bowing under the weight of my infirmities, I might, perhaps, have stood

excused if I had continued in my retirement, and never taken part again in publick affairs; but the alarming state of the nation calls upon me, indeed forces me to come forward once more, and to execute that duty which I owe to my God, my Sovereign, and my Country." He then entered into a wide examination of the external, as well as internal relations of the country, and drew an able, though exaggerated picture of its situation, and the dangers which threatened it.

He said, that the posture of foreign affairs was highly critical; but he dwelt more on the divisions and distractions which prevailed in every portion of the empire. He lamented those unhappy measures which had alienated the colonies from the mother country, and driven them to such excesses. But he still thought that they should be treated with tenderness; for, "these excesses were the mere irruptions of liberty which broke out upon the skin, and were a sign, if not of perfect health, at least of vigorous constitution, and must not be repelled too suddenly, lest they should strike to the heart. That liberty was a plant which deserved to be cherished. That he loved the tree and wished well to every branch of it. That like the vine in Scripture, it had spread from East to West, had embraced whole nations with its branches, and sheltered them under its leaves."

Passing from the discontents of America, he proceeded to notice those which existed at home. The latter he attributed to the conduct of the house of commons in the expulsion of Mr. Wilkes, and conceived that it ought to be distinctly stated as the cause to his majesty. With this design he concluded his speech by moving, as an amendment to the address, "*That we will, with all convenient speed, take into our most serious consideration the causes of the discontents which prevail in so many parts of your majesty's dominions, and particularly the late proceedings of the house of commons touching the incapacity of John Wilkes, Esq. expelled by that house to, be re-elected a member to serve in this present parliament; thereby*

refusing, by a resolution of one branch of the legislature only, to the subject his common right, and depriving the electors of Middlesex of their free choice of a representative."

This amendment was powerfully resisted by Lord Mansfield. Nothing remains however of his speech except a meagre account of the general course of his argument. He contended "that the amendment violated every form and usage of parliament, and was a gross attack on the privileges of the house of commons. That there never was an instance of the lords *inquiring* into the proceedings of that house with respect to their own members, much less of their taking upon them to *censure* such proceedings, or of their advising the crown to take notice of them. If, indeed, it be the purpose of the amendment to provoke a quarrel with the house of commons, I confess said his lordship, it will have that effect certainly, and immediately. The lower house will undoubtedly assert their privileges, and give you vote for vote. I leave it, therefore, to your lordships, to consider the fatal effects which in such a conjuncture as the present, may arise from an open breach between the two houses of parliament."

Lord Chatham immediately arose and delivered the following speech in reply.

His amendment was rejected.

SPEECH, &c.

MY LORDS,

THERE is one plain maxim, to which I have invariably adhered through life: that in every question, in which my liberty, or my property were concerned, I should consult and be determined by the dictates of common sense. I confess, my lords, that I am apt to distrust the refinement of learning, because I have seen the ablest and the most learned men equally liable to deceive themselves, and to mislead others. The condition of human nature would be lamentable indeed, if nothing less than the greatest learning and talents, which fall to the share of so small

a number of men, were sufficient to direct our judgment and our conduct. But Providence has taken better care of our happiness, and given us, in the simplicity of common sense, a rule for our direction, by which we shall never be misled. I confess, my lords, I had no other guide in drawing up the amendment, which I submitted to your consideration; and, before I heard the opinion of the noble lord who spoke last, I did not conceive that it was even within the limits of possibility for the greatest human genius, the most subtle understanding, or the acutest wit, so strangely to misrepresent my meaning, and to give it an interpretation so entirely foreign from what I intended to express, and from that sense which the very terms of the amendment plainly and distinctly carry with them. If there be the smallest foundation for the censure thrown upon me by that noble lord; if, either expressly, or by the most distant implication, I have said or insinuated any part of what the noble lord has charged me with, discard my opinions for ever, discard the motion with contempt.

My lords, I must beg the indulgence of the house. Neither will my health permit me, nor do I pretend to be qualified to follow that learned lord minutely through the whole of his argument. No man is better acquainted with his abilities and learning, nor has a greater respect for them, than I have. I have had the pleasure of sitting with him in the other house, and always listened to him with attention. I have not now lost a word of what he said, nor did I ever. Upon the present question I meet him without fear. The evidence which truth carries with it, is superior to all argument; it neither wants the support, nor dreads the opposition of the greatest abilities. If there be a single word in the amendment to justify the interpretation which the noble lord has been pleased to give it, I am ready to renounce the whole. Let it be read, my lords; let it speak for itself.* In what instance does it interfere with the privileges

* It was read.

of the house of commons? In what respect does it question their jurisdiction, or suppose an authority in this house to arraign the justice of their sentence? I am sure that every lord who hears me will bear me witness, that I said not one word touching the merits of the Middlesex election. So far from conveying any opinion upon that matter, in the amendment, I did not even in discourse deliver my own sentiments upon it. I did not say that the house of commons had done either right or wrong; but, when his majesty was pleased to recommend it to us to cultivate unanimity amongst ourselves, I thought it the duty of this house, as the great hereditary council of the crown, to state to his majesty the distracted condition of his dominions, together with the events which had destroyed unanimity among his subjects. But, my lords, I stated events merely as facts, without the smallest addition either of censure or of opinion. They are facts, my lords, which I am not only convinced are true, but which I know are indisputably true. For example, my lords: will any man deny that discontents prevail in many parts of his majesty's dominions? or that those discontents arise from the proceedings of the house of commons touching the declared incapacity of Mr. Wilkes? 'Tis impossible. No man can deny a truth so notorious. Or will any man deny that those proceedings refused, by a resolution of one branch of the legislature only, to the subject his common right? Is it not indisputably true, my lords, that Mr. Wilkes had a common right, and that he lost it no other way but by a resolution of the house of commons? My lords, I have been tender of misrepresenting the house of commons. I have consulted their journals, and have taken the very words of their own resolution. Do they not tell us in so many words, that Mr. Wilkes having been expelled, was thereby rendered incapable of serving in that parliament! and is it not their resolution alone, which refuses to the subject his common right? The amendment says further, that the electors of Middlesex are deprived of their free choice of a representative. Is

this a false fact, my lords? Or have I given an unfair representation of it? Will any man presume to affirm that colonel Luttrell is the free choice of the electors of Middlesex? We all know the contrary. We all know that Mr. Wilkes (whom I mention without either praise or censure) was the favourite of the county, and chosen by a very great and acknowledged majority, to represent them in parliament. If the noble lord dislikes the manner in which these facts are stated, I shall think myself happy in being advised by him how to alter it. I am very little anxious about terms, provided the substances be preserved; and these are facts, my lords, which I am sure will always retain their weight and importance, in whatever form of language they are described.

Now, my lords, since I have been forced to enter into the explanation of an amendment, in which nothing less than the genius of penetration could have discovered an obscurity, and having, as I hope, redeemed myself in the opinion of the house, having redeemed my motion from the severe representation given of it by the noble lord, I must a little longer entreat your lordships' indulgence. The constitution of this country has been openly invaded in fact; and I have heard, with horror and astonishment that very invasion defended upon principle. What is this mysterious power, undefined by law, unknown to the subject, which we must not approach without awe, nor speak of without reverence, which no man may question, and to which all men must submit? My lords, I thought the slavish doctrine of passive obedience had long since been exploded; and, when our kings were obliged to confess that their title to the crown, and the rule of their government, had no other foundation than the known laws of the land, I never expected to hear a divine right, or a divine infallibility, attributed to any other branch of the legislature. My lords, I beg to be understood. No man respects the house of commons more than I do, or would contend more strenuously than I would, to preserve to them their just and legal authority. Within

the bounds prescribed by the constitution, that authority is necessary to the well being of the people: beyond that line every exertion of power is arbitrary, is illegal; it threatens tyranny to the people, and destruction to the state. Power without right is the most odious and detestable object that can be offered to the human imagination. It is not only pernicious to those who are subject to it, but tends to its own destruction. It is what my noble friend * has truly described it: *Res detestabilis et caduca*. My lords, I acknowledge the just power, and reverence the constitution of the house of commons. It is for their own sakes that I would prevent their assuming a power which the constitution has denied them, lest, by grasping at an authority they have no right to, they should forfeit that which they legally possess. My lords, I affirm that they have betrayed their constituents, and violated the constitution. Under pretence of declaring the law, they have *made* a law, and united in the same persons the office of legislator and of judge.

I shall endeavour to adhere strictly to the noble lord's doctrine, which is, indeed, impossible to mistake, so far as my memory will permit me to preserve his expressions. He seems fond of the word jurisdiction; and I confess, with the force and effect which he has given it, it is a word of copious meaning and wonderful extent. If his lordship's doctrine be well founded, we must renounce all those political maxims by which our understandings have hitherto been directed, and even the first elements of learning taught us in our schools when we were schoolboys. My lords, we knew that jurisdiction was nothing more than *Jus dicere*; we knew that *Legem facere* and *Legem dicere* were powers clearly distinguished from each other in the nature of things, and wisely separated by the wisdom of the English constitution; but now, it seems, we must adopt a new system of thinking. The house of commons, we are told, have a

* Lord Lyttleton.

supreme jurisdiction; and there is no appeal ~~from~~⁴ their sentence; and that wherever they are competent judges, their decision must be received and submitted to, as *ipso facto*, the law of the land. My lords, I am a plain man, and have been brought up in a religious reverence for the original simplicity of the laws of England. By what sophistry they have been perverted, by what artifices they have been involved in obscurity, is not for me to explain; the principles, however, of the English laws, are still sufficiently clear: they are founded in reason, and are the masterpiece of the human understanding; but it is in the text that I would look for a direction to my judgment, not in the commentaries of modern professors. The noble lord assures us, that he knows not in what code the law of parliament is to be found; that the house of commons, when they act as judges, have no law to direct them but their own wisdom; that their decision is law; and if they determine wrong, the subject has no appeal but to Heaven. What then, my lords, are all the generous efforts of our ancestors, are all those glorious contentions, by which they meant to secure to themselves, and to transmit to their posterity a known law, a certain rule of living, reduced to this conclusion, that instead of the arbitrary power of a king, we must submit to the arbitrary power of a house of commons? If this be true, what benefit do we derive from the exchange? Tyranny, my lords, is detestable in every shape; but in none so formidable as when it is assumed and exercised by a number of tyrants. But, my lords, this is not the fact; this is not the constitution. We have a law of parliament. We have a code in which every honest man may find it. We have Magna Charta, we have the Statute Book, and the Bill of Rights.

If a case should arise unknown to these great authorities, we have still that plain English reason left, which is the foundation of all our English jurisprudence. That reason tells us, that every judicial court, and every political society, must be vested with those powers and privileges which are necessary for per-

forming the office to which they are appointed. It tells us also, that no court of justice can have a power inconsistent with, or paramount to, the known laws of the land ; that the people, when they choose their representatives, never mean to convey to them a power of invading the rights, or trampling upon the liberties of those whom they represent. What security would they have for their rights, if once they admitted, that a court of judicature might determine every question that came before it, not by any known, positive law, but by the vague, indeterminate, arbitrary rule, of what the noble lord is pleased to call *the wisdom of the court*? With respect to the decision of the courts of justice, I am far from denying them their due weight and authority ; yet, placing them in the most respectable view, I still consider them, not as law, but as an evidence of the law ; and before they can arrive even at that degree of authority, it must appear, that they are founded in, and confirmed by, reason ; that they are supported by precedents taken from good and moderate times ; that they do not contradict any positive law ; that they are submitted to without reluctance, by the people ; that they are unquestioned by the legislature (which is equivalent to a tacit confirmation) and what, in my judgment, is by far the most important, that they do not violate the spirit of the constitution. My lords, this is not a vague or loose expression. We all know what the constitution is. We all know, that the first principle of it is, that the subject shall not be governed by the *arbitrium* of any one man, or body of men (less than the whole legislature) but by certain laws, to which he has virtually given his consent, which are open to him to examine, and not beyond his ability to understand.—Now, my lords, I affirm, and am ready to maintain, that the late decision of the house of commons upon the Middlesex election, is destitute of every one of those properties and conditions which I hold to be essential to the legality of such a decision. It is not founded in reason ; for it carries with it a contradiction, that the representative should perform

the office of the constituent body. It is not supported by a single precedent; for the case of sir R. Walpole is but a half precedent, and even that half is imperfect. Incapacity was indeed declared; but his crimes are stated as the ground of the resolution, and his opponent was declared to be not duly elected, even after his incapacity was established. It contradicts Magna Charta and the Bill of Rights, by which it is provided, that no subject shall be deprived of his freehold, unless by the judgment of his peers, or the law of the land; and that elections of members to serve in parliament shall be free; and so far is this decision from being submitted to by the people, that they have taken the strongest measures, and adopted the most positive language to express their discontent. Whether it will be questioned by the legislature, will depend upon your lordships' resolution; but that it violates the spirit of the constitution, will, I think, be disputed by no man who has heard this day's debate, and who wishes well to the freedom of his country: yet, if we are to believe the noble lord, this great grievance, this manifest violation of the first principles of the constitution, will not admit of a remedy; is not even capable of redress, unless we appeal at once to heaven. My lords, I have better hopes of the constitution, and a firmer confidence in the wisdom and constitutional authority of this house. It is *your* ancestors, my lords, it is to the English barons that we are indebted for the laws and constitution we possess. Their virtues were rude and uncultivated, but they were great and sincere. Their understandings were as little polished as their manners, but they had hearts to distinguish right from wrong; they had heads to distinguish truth from falsehood; they understood the rights of humanity, and they had spirit to maintain them.

My lords, I think that history has not done justice to their conduct, when they obtained from their sovereign, that great acknowledgment of national rights contained in Magna Charta: they did not confine it to themselves alone, but delivered it as a com-

mon blessing to the whole people. They did not say, these are the rights of the great barons, or these are the rights of the great prelates:—No, my lords; they said, in the simple Latin of the times, *nullus liber homo*, and provided as carefully for the meanest subject as for the greatest. These are uncouth words, and sound but poorly in the ears of scholars; neither are they addressed to the criticism of scholars, but to the hearts of free men. These three words, *nullus liber homo*, have a meaning which interests us all; they deserve to be remembered—they deserve to be inculcated in our minds—they are worth all the classics. Let us not, then, degenerate from the glorious example of our ancestors. Those iron barons (for so I may call them when compared with the silken barons of modern days) were the guardians of the people; yet *their* virtues, my lords, were never engaged in a question of such importance as the present. A breach has been made in the constitution—the battlements are dismantled—the citadel is open to the first invader—the walls totter—the constitution is not tenable. What remains then, but for us to stand foremost in the breach, to repair it, or perish in it?

Great pains have been taken to alarm us with the consequences of a difference between the two houses of parliament—that the house of commons will resent our presuming to take notice of their proceedings; that they will resent our daring to advise the crown, and never forgive us for attempting to save the state. My lords, I am sensible of the importance and difficulty of this great crisis: at a moment, such as this, we are called upon to do our duty, without dreading the resentment of any man. But if apprehensions of this kind are to affect us, let us consider which we ought to respect most, the representative, or the collective body of the people. My lords, five hundred gentlemen are not ten millions; and if we *must* have a contention, let us take care to have the English nation on our side. If this question be given up, the freeholders of England are reduced to a condition baser than the peasantry of Po-

land. If they desert their own cause, they deserve to be slaves ! My lords, this is not merely the cold opinion of my understanding, but the glowing expression of what I feel. It is my heart that speaks. I know I speak warmly, my lords ; but this warmth shall neither betray my argument nor my temper. The kingdom is in a flame. As mediators between the king and people, it is our duty to represent to him the true condition and temper of his subjects. It is a duty which no particular respects should hinder us from performing ; and whenever his majesty shall demand our advice, it will then be our duty to inquire more minutely into the causes of the present discontents. Whenever that inquiry shall come on, I pledge myself to the house to prove, that since the first institution of the house of commons, not a single precedent can be produced to justify their late proceedings. My noble and learned friend (the lord chancellor) has pledged himself to the house, that he will support that assertion.

My lords, the character and circumstances of Mr. Wilkes have been very improperly introduced into this question, not only here, but in that court of judicature where his cause was tried. I mean the house of commons. With one party he was a patriot of the first magnitude ; with the other the vilest incendiary. For my own part, I consider him merely and indifferently as an English subject, possessed of certain rights which the laws have given him, and which the laws alone can take from him. I am neither moved by his private vices, nor by his public merits. In *his* person, though he were the *worst* of men, I contend for the safety and security of the best ; and, God forbid, my lords, that there should be a power in this country of measuring the civil rights of the subject by his moral character, or by any other rule but the fixed laws of the land ! I believe, my lords, *I* shall not be suspected of any personal partiality to this unhappy man. I am not very conversant in pamphlets or newspapers ; but, from what I have heard, and from the little I have

read, I may venture to affirm, that I have had my share in the compliments which have come from that quarter; and, as for motives of ambition (for I must take to myself a part of the noble duke's insinuation) I believe, my lords, there have been times in which I have had the honour of standing in such favour in the closet, that there must have been something extravagantly unreasonable in my wishes if they might not *all* have been gratified. After neglecting those opportunities, I am now suspected of coming forward in the decline of life, in the anxious pursuit of wealth and power, which it is impossible for me to enjoy. Be it so. There is one ambition at least which I ever will acknowledge, which I will not renounce but with my life. It is the ambition of delivering to my posterity those rights of freedom which I have received from my ancestors. I am not now pleading the cause of an individual, but of every freeholder in England. In what manner this house may constitutionally interpose in their defence, and what kind of redress this case will require and admit of, is not at present the subject of our consideration. The amendment, if agreed to, will naturally lead us to such an inquiry. That inquiry may, perhaps, point out the necessity of an act of the legislature, or it may lead us, perhaps, to desire a conference with the other house; which one noble lord affirms is the only parliamentary way of proceeding; and which another noble lord assures us the house of commons would either not come to, or would break off with indignation. Leaving their lordships to reconcile that matter between themselves, I shall only say, that before we have inquired, we cannot be provided with materials: consequently we are not at present prepared for a conference.

It is not impossible, my lords, that the inquiry I speak of may lead us to advise his majesty to dissolve the present parliament; nor have I any doubt of our right to give that advice, if we should think it necessary. His majesty will then determine whether he will yield to the united petitions of the people of England, or

maintain the house of commons in the exercise of a legislative power, which heretofore abolished the house of lords, and overturned the monarchy. I willingly acquit the present house of commons of having actually formed so detestable a design; but they cannot themselves foresee to what excesses they may be carried hereafter; and for my own part, I should be sorry to trust to their future moderation. Unlimited power is apt to corrupt the minds of those who possess it; and this I know my lords, that, where law ends, tyranny begins!

MR. BURKE'S SPEECH,

ON MOVING HIS RESOLUTIONS FOR CONCILIATION WITH THE
COLONIES. DELIVERED IN THE HOUSE OF COMMONS, THE
22d OF MARCH, 1775.

FROM the commencement of the disputes between the mother country and the colonies, Mr. Burke seems to have directed a very diligent attention to the subject, as involving the primary interests of the empire. By maintaining a constant intercourse with many of the enlightened characters in the different provinces, he acquired a more extensive and intimate knowledge of the physical and moral condition of the country, with its real views, dispositions, and resources than, perhaps, was attained by any of his cotemporaries. The result of this superiour intelligence was a decided conviction, which he carried through every stage of the controversy, that the exasperated feeling existing in the colonies could only be allayed, and their alienated attachment revived and permanently secured by placing them exactly on the same footing on which they stood previous to the introduction of the new and arbitrary system of government. An attempt to sustain the pretensions of the parent state, whether right or wrong, by force, he uniformly predicted would prove impracticable, and must, if adhered to, eventually terminate in her discomfiture and disgrace.

To reconcile, by an entire repeal of all the offensive measures, coupled with a solemn renunciation of the principles on which they were founded, so as to leave no just cause of complaint, was the counsel which he strenuously urged.

In the genuine spirit of this wise and liberal policy he moved, with the hope of dispersing the dark cloud of calamities which he saw impending over the empire, a series of propositions, on the 22d of March, 1775, which he enforced by an exertion of eloquence that has rarely been equalled. These propositions will be found in the body of the speech as they were severally opened. They were all rejected by a large majority.

In his preceding speech, on taxation, having very luminously traced the different schemes of colonial regulation which arose out of the fluctuating councils of the mother country, Mr. Burke, in the present one, describes with a surprising amplitude and accuracy of information the internal state of the American dependencies, as relates to their population, agriculture, and commerce, and delineates with his usual skill and nicety of discernment the genius and character of the people.

From these two productions, it has truly been said, that more may be learnt of the history of colonial America, and of the causes which led to the revolutionary struggle, than from all the other discussions and writings upon the subject.

SPEECH, &c.

I HOPE, sir, that notwithstanding the austerity of the chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the house full of anxiety about the event of my motion, I found to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other house.*

* The act to restrain the trade and commerce of the provinces of Massachusetts's Bay and New Hampshire, and colonies of Connecticut, and Rhode Island, and Providence Plantations, in North America, to Great Britain, Ireland, and the

I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour, by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight for ever, we are, at this very instant, nearly as free to choose a plan for our American government, as we were on the first day of the session. If, sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superiour warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honour of a seat in this house, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think

British islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period, I had the fortune to find myself in perfect concurrence with a large majority in this house. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiment and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing administered as remedy to the publick complaint if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation; a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, sir, things stood at the beginning of the session. About that time, a worthy member* of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politicks, told me, things were come to such a pass, that our former methods of proceeding in the house would be no longer tolerated. That the publick tribunal (never too indulgent

* Mr. Rose Fuller.

to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The publick, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should show, that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

I felt the truth of what my honourable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was, indeed, ever better disposed, or worse qualified for such an undertaking than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues, some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politicks, in which the plan is to be wholly separated from the execution. But when I saw, that anger and violence prevailed every day more and more, and that things were hastening

towards an incurable alienation of our colonies, I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to a higher duty. Publick calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you ought to be, I persuaded myself, that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was nothing exteriour to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and its ordinary haunts. It is peace sought in the spirit of peace; and laid in principles purely pacifick. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the colonies in the mother country, to give permanent satisfaction to

your people; and, far from a scheme of ruling by discord, to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is a healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue ribband.* It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute

* That when the governour, council, or assembly, or general court, of any of his majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the general court, or general assembly, of such province or colony, and disposable by parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved by his majesty, and the two houses of parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any further duty, tax, or assessment, except such duties as it may be expedient to continue to levy or impose, for the regulation of commerce: the net produce of the duties last mentioned to be carried to the account of such province or colony respectively." Resolution moved by Lord North in the committee; and agreed to by the house, 27th February, 1775.

a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalize and settle.

The plan, which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the house, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The house has gone further; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think indeed, are very indifferently suited to the end; and this I shall endeavour to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the proposal ought to originate from

us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superiour power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superiour; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no

inconsiderable part of the strength and opulence of the whole. This, sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and provoked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose so much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great

ability, by a distinguished person,* at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the house had not the misfortune to be absent when he appeared at your bar. Besides, sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies as it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world, the colonies included, in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian, and the North American. All these are so interwoven, that the attempt to separate them, would tear to pieces

* Mr. Glover.

the contexture of the whole ; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus :

Exports to North America, and the West	
Indies, - - - - -	£. 483,265
To Africa, - - - - -	86,665
	<hr/>
	569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows :

To North America, and the West In-	
dies, - - - - -	£. 4,791,734
To Africa, - - - - -	866,398
To which if you add the export trade	
from Scotland, which had in 1704	
no existence, - - - - -	364,000
	<hr/>
	6,022,398

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve fold. This is the state of the colony trade, as compared with itself at these two periods, within this century ; and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England	
including that to the colonies, in 1704	1,650,000
Exported to the colonies alone, in 1772	6,024,000

Difference 485,000

The trade with America alone is now within less than 500,000l. of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference; that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods; and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*—Suppose, sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth

generation, the third prince of the house of Brunswick had sat twelve years on the throne of that nation, which, by the happy issue of moderate and healing councils, was to be made Great Britain, he should see his son, lord chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one. If amidst these bright and happy scenes of domestick honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him—“Young man, there is America, which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!” If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he live to see nothing to vary the prospect, and cloud the setting of his day!

Excuse me, sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for 11,459*l.* in value of your commodities, native and foreign. This was the

whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was 507,909*l*. nearly equal to the export to all the colonies together in the first period.

I choose, sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestick commerce. This would be a curious subject indeed; but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine; if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enter-

prising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay, and Davis's Streights, whilst we are looking for them beneath the arctic circle we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland island, which seemed too remote and romantick an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantick game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and

die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, sir, that all which I have asserted in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connexion with us.

First, sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terrour is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be

caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no ensurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature, which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, sir, is a nation, which still, I hope, respects and formerly adored her freedom. The

colonists emigrated from you, when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which, by way of eminence, becomes the criterion of their happiness. It happened, you know, sir, that the great contests for freedom in this country were, from the earliest times, chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a house of commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a house of commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specifick point of taxing. Liberty might be

safe, or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are protestants; and of that kind, which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholick religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favour and every kind of support from authority. The church of England too was formed from her cradle under the

nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world ; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance ; it is the diffidence of dissent ; and the protestantism of the protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces ; where the church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high ; and in the emigrants was the highest of all : and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description ; because in the southern colonies the church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in coun-

tries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, sir, to commend the superiour morality of this sentiment, which has at least as much pride as virtue in it ; but I cannot alter the nature of man. The fact is so ; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths ; such were our Gothick ancestors : such in our days were the Poles ; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful ; and in most provinces it takes the lead. The greater number of the deputies sent to congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law ; and that in Boston they have been enabled, by successful chicane wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more

clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious! *Abeunt studia in mores*. This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance. Here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says: "So far shalt thou go and no further." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulat-

* The Attorney General.

tion of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, sir, from these six capital sources of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us, as guardians during a perpetual minority, than with any part of it in their own hands. But the question is, not whether their spirit deserves praise or blame. What, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on

its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations, we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politicks, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority. We never dreamt they could of themselves supply it, knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is

called; not the name of governour, as formerly, or committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind, as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident, that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governour, without publick council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important, and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the publick tranquillity. In effect, we suffer as much at home, by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right

to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit, which prevails in your colonies, and disturbs your government. These are—to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or, to comply with it as necessary. I would not be guilty of an imperfect enumeration. I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematick proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both houses, by men of weight, and received, not without applause, that, in order to check

this evil, it would be proper for the crown to make no further grants of land. But to this scheme, there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governours and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we

have invited our people by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could ; and we have carefully attended every settlement with government.

Adhering, sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind ; a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But, remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course ; that discontent will increase with misery ; and that there are critical moments in the fortune of all states, when they, who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition. Your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholick as a penalty, or the church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratick spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into an opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty, would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our

hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too ; and arm servile hands in defence of freedom ? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters ? From that nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffick ? An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempt at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry ; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. “ Ye gods, annihilate but space and time, and make two lovers happy ! ”—was a pious and passionate prayer ;—but just as reasonable, as many of these serious wishes of very grave and solemn politicians.

If then, sir, it seems almost desperate to think of any alternative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority ; but that the spirit infallibly will continue ; and, continuing, will produce such effects, as now embarrass us ; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving

such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantick, to apply the ordinary ideas of criminal justice to this great publick contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as sir Edward Coke insulted one excellent individual* at the bar. I am not ripe to pass sentence on the gravest publick bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow citizens, upon the very same title that I am. I really think, that for wise men, this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states, under one common head, whether this head be a monarch, or a presiding republick. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption, in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superiour power. For to talk of the privileges of a state or of a person, who has no superiour,

* Sir Walter Raleigh.

is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, sir, but I confess that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided on upon the merits of that very litigation. Men are every now and then put, by the complexity of

human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, sir, also a circumstance which convinces me, that this mode of criminal proceeding is not, at least in the present stage of our contest, altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither under an act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of publick coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last—to comply with

the American spirit as necessary, or, if you please, to submit to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true. I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damietta and Mount Casius old*,

where armies whole have sunk. I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me, I *may* do; but what humanity, reason, and justice, tell me, I *ought* to do. Is a politick act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is stedfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a deversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law. I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is to admit the people of our colonies into an interest in the constitution; and, by recording that admission in the journals of parliament, to give them

as strong an assurance as the nature of the thing will admit, that we mean forever to adhere to that solemn declaration of systematick indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary, and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the house, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute, we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning. And the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman* of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord† in the blue

* Mr. Rice.

† Lord North.

ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade of America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counterguard and security of the laws of trade.

Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow the market for the Americans. But my perfect conviction of this, does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The publick and avowed origin of this quarrel, was on taxation. This quarrel has indeed brought on new disputes on

new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain? Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end? What will quiet these panick fears which we entertain of the hostile effect of a conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind, which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed, that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotick power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knight-hood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the house of commons, gave us, at least, a house of commons of weight and consequence. But

your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual

breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of publick wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state, there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more

hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained, that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands.—A fine body of precedents for the authority of parliament and the use of it! I admit it fully; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not, until after two hundred years, discovered, that by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did however at length, open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous, that eight years after, that is, in the thirty-fifth of that reign, a complete and not ill proportioned representation by counties and boroughs was bestowed upon Wales, by act of parlia-

ment. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day star of the English constitution had arisen in their hearts, all was harmony within and without—

*Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor:
Concidunt venti, fugiuntque nubes:
Et minax (quod sic voluere) ponto
Unda recumbit.*

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II. drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you.

“ To the king our sovereign lord, in most humble wise shown unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; That where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses and damages, as well in their lands, goods, and bodies, as in the good, civil, and politick governance and maintenance of the commonwealth of their said country: (2.) And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had

neither knight ne burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the common wealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom and not servitude is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and without affecting the abstract extent of the authority of parliament, it recognises the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliament, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the

Welsh? The preamble of the act of Henry VIII. says, the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantick, than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*. I cannot remove the eternal barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of publick benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When

we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republick of Plato; not to the Utopia of More, not to the Oceana of Harrington. It is before me—It is at my feet, *and the rude swain treads daily on it with his clouted shoon*. I only wish you to recognise, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which a uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honour, until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America, by *grant*, and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for publick aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance.

The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others to represent them in the high court of parliament"—This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the common wealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament. *Non meus hic sermo, sed quæ præcepit Ofellus, rusticus, abnormis sapiens.* It is the genuine produce of the ancient, rustick, manly, homebred sense of this country.—I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the

metal. It would be a profanation to touch with a tool the tones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all, either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George II? Else why

were the duties first reduced to one third in 1764, and afterward to a third of that third in the year 1766? Were they not touched and grieved by the stamp act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which, Lord Hillsborough tells you, for the ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue riband, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

This is an assertion of a fact. I go no further on the paper; though in my private judgment, a useful representation is impossible; I am sure it is not desired by them, nor ought it, perhaps, by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court, with powers legally to raise, levy, and assess, according to the several usages of such colonies, duties and taxes towards defraying all sorts of publick services."

This competence in the colony assemblies is certain. It is proved by the whole tenour of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his majesty;" and acts granting to the crown have regularly for near a century passed the publick offices without dispute. Those who have been pleased paradoxically to deny

this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenour every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in a habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys and all solicitors general! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—“That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and publick aids for his majesty’s service, according to their abilities, when required thereto by letter from one of his majesty’s principal secretaries of state. And that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament.” To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their publick contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the fourth of April, 1748,* a committee of this house came to the following resolution:

“Resolved, That it is the opinion of this committee, *That it is just and reasonable* that the several

* Journals of the House, vol. xxv.

provinces and colonies of Massachussetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain, the island of Cape Breton, and its dependencies."

These expenses were immense for such colonies. They were above 200,000*l.* sterling; money first raised and advanced on their publick credit.

On the 28th of January, 1756,* a message from the king came to us, to this effect—"His majesty, being sensible of the zeal and vigour with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this house to take the same into their consideration, and to enable his majesty to give them such assistance as may be a *proper reward and encouragement*."

On the third of February, 1756,† the house came to a suitable resolution, expressed in words nearly the same as those of the message; but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals:

Vol. xxvii.—16th and 19th May, 1757.

Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759—March 26th and 31st, and April 28th, 1760—Jan. 9th and 20th, 1761.

Vol. xxix.—Jan. 22d and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted

* Journals of the house, vol. xxvii.

† Ibid.

legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition, what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinning in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing, stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this house, that the colonies were then in debt two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*—Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have you appropriated its surplus?—What, can none of the many skilful index-makers, that we are now employing, find any trace of it?—Well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those journals, justified in the sixth and last resolution, which is—"That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial, and conducive to the publick service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On

that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an act, made in the seventh year of the reign of his present majesty, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachussetts Bay, in North America.—and that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachussetts Bay, in New England,—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present majesty, entitled, An act for the better regulating the government of the province of Massachussetts Bay, in New England.—And also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of king Henry the Eighth, entitled, An act for the trial of treasons committed out of the king's dominions."

I wish, sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regu-

larity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all publick and private justice. Such, among others, is the power in the governour to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it

to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, sir, I propose the following resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America, shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superiour court, it may be proper, that the said chief justice and other judges of the superiour courts of such colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governour, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the courts of admiralty.

It is this:—"That it may be proper to regulate the courts of admiralty, or vice admiralty, authorized by the 15th chap. of the 4th of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away. They are in themselves proper establishments. This court is one of the capital securities of the act of navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own

condemnation, is a robber. The congress complain, and complain justly, of this grievance.*

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, sir, I should close; but that I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine*; and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true, that Lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from

* The Solicitor General informed Mr. B. when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended.

hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know, that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is, besides, a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we choose rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But, in

all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsick dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm, from the discontents which are to arise, from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself.

It is said indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved, entire, although Wales, and Chester, and Durham, were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent legislature; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord* on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this house. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

* Lord North.

First, then, I cannot admit that proposition of a ransom by auction; because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution. It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects; the peace of this empire.

Secondly, it is an experiment which must be fatal in the end, to our constitution. For what is it but a scheme for taxing the colonies in the antichamber of the noble lord and his successors? To settle the quotas and proportions in this house, is clearly impossible. You, sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the constitution. Each quota must be brought to this house ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to

themselves.' I really beg pardon. It gives me pain to mention it; but you must be sensible that you will *not perform* this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your

quota. How will you put these colonies on a plan? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony? Who has said one word of this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you, with a clue to lead you out of it? I think, sir, it is impossible, that you should not recollect that the colony bounds are so implicated in one another (you know it by your other experiments in a bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them, which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those whom upon every principle, you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland the central, and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue: or you change the quota at every emergency; and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury warrant against the failing colony. You must make new Boston port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or

other must consume this whole empire. I allow, indeed, that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be; as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in

every stage of the American affairs, I have steadily opposed the measures that have produced the commission, and may bring on the destruction of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does. For it secures to the subject the power of REFUSAL; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,750*l.* : 11 : 2 3-4ths, nor any other paltry limited sum. But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca*. Cannot you in England; cannot you at this time of day; cannot you, a house of commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that in any country, a body duly constituted for any functions will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all government in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honour of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more

copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politick machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. "*Ease would retract vows made in pain, as violent and void.*"

I, for one, protest against compounding our demands. I declare against compounding, for a poor limited sum, the immense, ever growing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact?

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India company. America has none of these aptitudes. If America gives

you taxable objects, on which you lay your duty here, and gives you, at the same time, a surplus, a foreign sale of her commodities to pay the duty on these objects which you tax at home, she has performed her part to the British revenue. But, with regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to war; the weight of which, with the enemies that we are most likely to have, must be considerable to her quarter of the globe. There she may serve you and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light on air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government; they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom they will turn their faces towards you. The more they multiply, the more friends you will have. The more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they

can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply, which gives you your army? or that it is the mutiny bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great

movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politicks is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our publick proceedings on America, with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness, of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit*)—lay the first stone of the temple of peace; and I move you,

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament.”

LORD CHESTERFIELD'S SPEECH,

ON THE BILL INTRODUCED INTO THE HOUSE OF LORDS, MAY
24TH, 1737, FOR LICENSING AND REGULATING THE THEA-
TRES.

IT has been so confidently said, we know not exactly upon what authority, that the *published* speech of Earl Chesterfield on "*licensing the Theatres*," was written by Doctor Johnson, that it is now, very generally admitted to be his production.

After having carefully perused the speech, we were persuaded that the existing belief respecting it was untrue, and that his lordship had unjustly been despoiled of this, perhaps, the brightest gem in his literary escutcheon. Neither in the construction of its sentences, nor in the vein of thought which pervades it, could we discern any close resemblance to the well marked manner of the illustrious moralist.

To the internal evidence which the speech supplies, in vindication of its *genuineness*, there may, moreover, be added a chain of very strong presumptive proof.

By recurring to the history of the proceedings of parliament, it will be seen that the speech was delivered in *May*, 1737. Attracting much attention, it was immediately printed, and for the first time appeared in *Fog's Journal*, a paper then under the patronage of Lord Chesterfield, and to which he *occasionally contributed*. The copy of the speech, however, was defective, and especially as regarded the quotation applied to Pompey,

"Nostra miseria tu es Magnus."

This, together with some other blemishes, exposed the noble earl to a virulent criticism from the *Ga-*

• *zetteer*, one of the journals of the opposite party, which produced a corrected impression of the speech in several of the magazines of the very next month, and, whence it was translated, without the slightest alteration, into the Parliamentary Register of the same year.

Certainly, it is not unreasonable to suppose that this revision was executed, and the republication directed by Earl Chesterfield himself.

Against the particular claim set up for Dr. Johnson it will be sufficient to observe that, though he came to London in *March* 1737, a few weeks prior to the date of the speech, yet he lived in obscurity and had no literary engagements, or connexion with bookellers, for a considerable period afterwards.

The employment of reporting the parliamentary debates, he did not commence till so late as the opening of the session on the 19th of *November*, 1740, being upwards of three years subsequently to the appearance of the speech.

Taking into view with the preceding facts, the acknowledged talents and superiour powers of debate of Earl Chesterfield there can be little hesitation, we think, to the adoption of the present speech, as an authentick specimen of his eloquence.

In the following extract, the circumstances which gave rise to the speech, are distinctly related.

“ The only remarkable occurrence of this session, which remains to be taken notice of, is contained in the proceedings upon the bill, to explain and amend so much of an act made in the twelfth year of the reign of queen Anne, entitled, *An act for reducing the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament; and for the more effectual punishing such rogues, vagabonds, sturdy beggars, and vagrants, and sending them whither they ought to be sent, as relates to common players of interludes.* The bill, which was passed into a law, and remains still in force, was ordered by the house of commons to be prepared and brought in on Friday the 20th of May, and was occasioned by a farce called

the *Golden Rump*, which had been brought to the then master* of the theatre in Lincoln's-inn fields, who, upon perusal, found it was designed as a libel upon the government, and, therefore, instead of having it acted, he carried it to a gentleman concerned in the administration; and he having communicated it to some other member of the house of commons, it was resolved to move for leave to bring in a bill for preventing any such attempt for the future; and the motion being complied with by that house on the 20th of May, 1737, the bill was brought in on Tuesday the 24th, and passed through both houses with such despatch, that it was ready for the royal assent by Wednesday the 8th of June, and accordingly received the royal assent on Tuesday the 21st, when his majesty put an end to this session of parliament."

SPEECH, &c.

MY LORDS,

THE bill now before you I apprehend to be of a very extraordinary, a very dangerous nature. It seems designed not only as a restraint on the licentiousness of the stage; but it will prove a most arbitrary restraint on the liberty of the stage; and I fear it looks yet further. I fear it tends towards a restraint on the liberty of the press, which will be a long stride towards the destruction of liberty itself. It is not only a bill, my lords, of a very extraordinary nature, but it has been brought in at a very extraordinary season, and pushed with most extraordinary despatch. When I considered how near it was to the end of the session, and how long this session had been protracted beyond the usual time of the year; when I considered that this bill passed through the other house with so much precipitancy, as even to get the start of a bill which deserved all the respect, and all the despatch, the forms of either house of parliament could admit of;

* One Gifford, who had removed thither with a company of players from Goodman's Fields, where he had a theatre, which was silenced by this very act.

it set me upon inquiring, what could be the reason for introducing this bill at so unseasonable a time, and pressing it forward in a manner so very singular and uncommon. I have made all possible inquiry; and as yet, I must confess, I am at a loss to find out the great occasion. I have, it is true, learned from common report without doors, that a most seditious, a most heinous farce had been offered to one of the theatres, a farce for which the authors ought to be punished in the most exemplary manner: but what was the consequence? The master of that theatre behaved as he was in duty bound, and as common prudence directed. He not only refused to bring it upon the stage, but carried it to a certain honourable gentleman in the administration, as the surest method of having it absolutely suppressed. Could this be the occasion of introducing such an extraordinary bill, at such an extraordinary season, and pushing it in so extraordinary a manner? Surely no. The dutiful behaviour of the players, the prudent caution they showed upon that occasion, can never be a reason for subjecting them to such an arbitrary restraint. It is an argument in their favour; and a material one, in my opinion, against the bill. Nay, further, if we consider all circumstances, it is to me a full proof that the laws now in being are sufficient for punishing those players who shall venture to bring any seditious libel upon the stage, and, consequently, sufficient for deterring all the players from acting any thing that may have the least tendency towards giving a reasonable offence.

I do not, my lords, pretend to be a lawyer. I do not pretend to know perfectly the power and extent of our laws; but I have conversed with those that do, and by them I have been told, that our laws are sufficient for punishing any person that shall dare to represent upon the stage what may appear, either by the words or the representation, to be blasphemous, seditious, or immoral. I must own, indeed, I have observed of late a remarkable licentiousness in the stage. There have but very lately been two plays acted, which one would have thought should have

given the greatest offence; and yet both were suffered to be often represented without disturbance, without censure. In one,* the author thought fit to represent the three great professions, religion, physick, and law, as inconsistent with common sense: in the other,† a most tragical story was brought upon the stage, a catastrophe too recent, too melancholy, and of too solemn a nature, to be heard of any where but from the pulpit. How these pieces came to pass unpunished, I do not know. If I am rightly informed, it was not for want of law, but for want of prosecution, without which no law can be made effectual. But, if there was any neglect in this case, I am convinced it was not with a design to prepare the minds of the people, and to make them think a new law necessary.

Our stage ought certainly, my lords, to be kept within due bounds; but for this, our laws, as they stand at present, are sufficient. If our stage players at any time exceed those bounds, they ought to be prosecuted; they may be punished. We have precedents, we have examples of persons having been punished for things less criminal than either of the two pieces I have mentioned. A new law must therefore be unnecessary, and in the present case it cannot be unnecessary without being dangerous. Every unnecessary restraint on licentiousness is a fetter upon the legs, is a shackle upon the hands, of liberty. One of the greatest blessings we enjoy, one of the greatest blessings a people, my lords, can enjoy, is liberty; but every good, in this life, has its alloy of evil. Licentiousness is the alloy of liberty: it is an ebullition, an excrescence: it is a speck upon the eye of the political body, which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is apt to appear. If the stage becomes at any time licentious, if a play appears to be a libel upon the government, or upon any particular man, the king's courts are open; the

* Pasquin, a comedy.

† King Charles I. a tragedy.

law is sufficient for punishing the offender ; and in this case the person injured has a singular advantage, he can be under no difficulty to prove who is the publisher. The players themselves are the publishers, and there can be no want of evidence to convict them.

But, my lords, suppose it true, that the laws now in being are not sufficient for putting a check to, or preventing, the licentiousness of the stage ; suppose it absolutely necessary some new law should be made for that purpose : yet it must be granted, that such a law ought to be maturely considered, and every clause, every sentence, nay every word of it, well weighed and examined, lest, under some of those methods presumed or pretended to be necessary for restraining licentiousness, a power should lie concealed, which might be afterwards made use of for giving a dangerous wound to liberty. Such a law ought not to be introduced at the close of a session ; nor ought we in the passing of such a law, to depart from any of the forms prescribed by our ancestors for preventing deceit and surprise. There is such a connexion between licentiousness and liberty, that it is not easy to correct the one, without dangerously wounding the other. It is extremely hard to distinguish the true limit between them. Like a changeable silk, we can easily see there are too different colours ; but we cannot easily discover where the one ends, or where the other begins. There can be no great and immediate danger from the licentiousness of the stage. I hope it will not be pretended, that our government may, before next winter, be overturned by such licentiousness, even though our stage were at present under no sort of control. Why then may we not delay till next session passing any law against the licentiousness of the stage ? Neither our government can be altered, nor our constitution overturned, by such a delay ; but by passing a law rashly and unadvisedly, our constitution may at once be destroyed, and our government rendered arbitrary. Can we then put a small, a short lived inconvenience in the balance with perpe-

tual slavery? Can it be supposed, that a parliament of Great Britain will so much as risk the latter, for the sake of avoiding the former?

Surely, my lords, this is not to be expected, were the licentiousness of the stage much greater than it is, were the insufficiency of our laws more obvious than can be pretended. But when we complain of the licentiousness of the stage, and the insufficiency of our laws, I fear we have more reason to complain of bad measures in our polity, and a general decay of virtue and morality among the people. In publick as well as private life, the only way to prevent being ridiculed or censured, is to avoid all ridiculous or wicked measures, and to pursue such only as are virtuous and worthy. The people never endeavour to ridicule those they love and esteem, nor will they suffer them to be ridiculed. If any one attempts it, the ridicule returns upon the author. He makes himself only the object of publick hatred and contempt. The actions or behaviour of a private man may pass unobserved, and consequently unapplauded, uncensured; but the actions of those in high stations can neither pass without notice, nor without censure or applause; and therefore an administration, without esteem, without authority among the people, let their power be never so great, let their power be never so arbitrary, will be ridiculed. The severest edicts, the most terrible punishments, cannot prevent it. If any man, therefore, thinks he has been censured, if any man thinks he has been ridiculed, upon any of our publick theatres, let him examine his actions, he will find the cause: let him alter his conduct, he will find a remedy. As no man is perfect, as no man is infallible, the greatest may err, the most circumspect may be guilty of some piece of ridiculous behaviour. It is not licentiousness; it is a useful liberty always indulged the stage in a free country, that some great men may there meet with a just reproof, which none of their friends will be free enough, or rather faithful enough to give them. Of this we have a famous instance in the Roman history. The great Pompey, af-

ter the many victories he had obtained, and the great conquests he had made, had certainly a good title to the esteem of the people of Rome : yet that great man, by some error in his conduct, became an object of general dislike ; and therefore in the representation of an old play, when Diphilus, the actor, came to repeat these words, *Nostra miseria tu es Magnus*, the audience immediately applied them to Pompey, who at that time was as well known by the name Magnus, as by the name Pompey, and were so highly pleased with the satire, that, as Cicero says, they made him repeat the words a hundred times over. An account of this was immediately sent to Pompey, who, instead of resenting it as an injury, was so wise as to take it for a just reproof. He examined his conduct ; he altered his measures ; he regained by degrees the esteem of the people ; and therefore neither feared the wit, nor felt the satire of the stage. This is an example which ought to be followed by great men in all countries. Such accidents will often happen in every free country ; and many such would probably have afterwards happened at Rome, if they had continued to enjoy their liberty. But this sort of liberty on the stage came soon after, I suppose, to be called licentiousness ; for we are told that Augustus, after having established his empire, restored order in Rome by restraining licentiousness. God forbid we should in this country, have order restored, or licentiousness restrained, at so dear a rate as the people of Rome paid for it to Augustus.

In the case I have mentioned, my lords, it was not the poet that wrote, for it was an old play ; nor the players that acted, for they only repeated the words of the play : it was the people who pointed the satire ; and the case will always be the same. When a man has the misfortune to incur the hatred or contempt of the people, when publick measures are despised, the audience will apply what never was, what could not be, designed as a satire on the present times ; nay, even though the people should not apply, those who are conscious of the wickedness or weakness of

their conduct, will take to themselves what the author never designed. A publick thief is as apt to take the satire, as he is apt to take the money, which was never designed for him. We have an instance of this in the case of a famous comedian of the last age; a comedian who was not only a good poet, but an honest man, and a quiet and good subject. The famous Moliere, when he wrote his *Tartuffe*, which is certainly an excellent and a good moral comedy, did not design to satyryze any great man of that age; yet a great man in France at that time took it to himself, and fancied the author had taken him as a model for one of the principal, and one of the worst characters in that comedy. By good luck he was not the licenser, otherwise the kingdom of France had never had the pleasure, the happiness I may say, of seeing that play acted; but, when the players first purposed to act it at Paris, he had interest enough to get it forbid. Moliere, who knew himself innocent of what was laid to his charge, complained to his patron, the prince of Conti, that as his play was designed only to expose hypocrisy, and a false pretence to religion, it was very hard it should be forbid being acted; when at the same time they were suffered to expose religion itself every night publickly upon the Italian stage: to which the prince wittily answered, "It is true, Moliere, Harlequin ridicules Heaven, and exposes religion; but you have done much worse—you have ridiculed the first minister of religion."

I am as much for restraining the licentiousness of the stage, and every sort of licentiousness, as any of your lordships can be: but, my lords, I am, I shall always be, extremely cautious and fearful of making the least encroachment upon liberty; and therefore, when a new law is proposed against licentiousness, I shall always be for considering it deliberately and maturely, before I venture to give my consent to its being passed. This is a sufficient reason for my being against passing this bill at so unseasonable a time, and in so extraordinary a manner; but I have

many reasons for being against passing the bill itself, some of which I shall beg leave to explain to your lordships.

The bill, my lords, at first view, may seem to be designed only against the stage; but to me it plainly appears to point somewhere else. It is an arrow, that does but glance upon the stage. The mortal wound seems designed against the liberty of the press. By this bill you prevent a play's being acted, but you do not prevent its being printed; therefore, if a license should be refused for its being acted, we may depend upon it the play will be printed. It will be printed and published, my lords, with the refusal in capital letters on the title page. People are always fond of what is forbidden. *Libri prohibiti* (prohibited books) are, in all countries, diligently and generally sought after. It will be much easier to procure a refusal, than it ever was to procure a good house, or a good sale; therefore, we may expect, that plays will be wrote on purpose to have a refusal; this will certainly procure a good house or a good sale. Thus will satires be spread and dispersed through the whole nation, and thus every man in the kingdom may, and probably will, read for six-pence what a few only could have seen acted, and that not under the expense of half a crown. We shall then be told; What! will you allow an infamous libel to be printed and dispersed, which you would not allow to be acted? You have agreed to a law to prevent its being acted: can you refuse your assent to a law to prevent its being printed and published? I should really, my lords, be glad to hear, what excuse, what reason one could give for being against the latter, after having agreed to the former; for, I protest, I cannot suggest to myself the least shadow of an excuse. If we agree to the bill now before us, we must, perhaps, next session, agree to a bill for preventing any plays being printed without a license. Then satires will be wrote by way of novels, secret histories, dialogues, or under some such title; and thereupon we shall be told; What! will you allow an infamous libel to be printed an

dispersed, only because it does not bear the title of a play? Thus, my lords, from the precedent now before us, we shall be induced, nay we can find no reason for refusing to lay the press under a general license, and then we may bid adieu to the liberties of Great Britain.

But suppose, my lords, it were necessary to make a new law for restraining the licentiousness of the stage, which I am very far from granting; yet I shall never be for establishing such a power as is proposed by this bill. If poets and players are to be restrained, let them be restrained as other subjects are, by the known laws of their country: if they offend, let them be tried, as every Englishman ought to be, by God and their country. Do not let us subject them to the arbitrary will and pleasure of any one man. A power lodged in the hands of one single man, to judge and determine, without any limitation, without any control or appeal, is a sort of power unknown to our laws, inconsistent with our constitution. It is a higher, a more absolute power than we trust even to the king himself; and therefore, I must think, we ought not to vest any such power in his majesty's lord chamberlain. When I say this, I am sure, I do not mean to give the least, the most distant offence to the noble duke* who now fills the post of lord chamberlain; his natural candour and love of justice, would not, I know, permit him to exercise any power, but with the strictest regard to the rules of justice and humanity. Were we sure his successors in that high office would always be persons of such distinguished merit, even the power established by this bill could give no further alarm, than lest it should be made a precedent for introducing other new powers of the same nature. This, indeed, is an alarm which cannot be avoided, which cannot be prevented, by any hope, by any consideration; it is an alarm, which, I think, every man must take, who has a due regard to the constitution and liberties of his country.

* The Duke of Grafton.

I shall admit, my lords, that the stage ought not, upon any occasion, to meddle with politicks; and for this very reason, among the rest, I am against the bill now before us. This bill will be so far from preventing the stage's meddling with politicks, that I fear it will be the occasion of its meddling with nothing else; but then it will be a political stage *ex parte*. It will be made subservient to the politicks and the schemes of the court only. The licentiousness of the stage will be encouraged, instead of being restrained; but like court journalists, it will be licentious only against the patrons of liberty, and the protectors of the people. Whatever man, whatever party, opposes the court in any of their most destructive schemes, will, upon the stage, be represented in the most ridiculous light the hirelings of a court can contrive. True patriotism, and love of publick good, will be represented as madness, or as a cloak for envy, disappointment, and malice; whilst the most flagitious crimes, the most extravagant vices and follies, if they are fashionable at court, will be disguised and dressed up in the habit of the most amiable virtues. This has formerly been the case in king Charles the second's days. The playhouse was under a license. What was the consequence? The playhouse retailed nothing but the politicks, the vices, and the follies of the court; not to expose them, no, but to recommend them, though it must be granted their politicks were often as bad as their vices, and much more pernicious than their other follies. It is true, the court had at that time a great deal of wit: it was then indeed full of men of true wit and great humour; but it was the more dangerous, for the courtiers did then, as thorough-paced courtiers always will do. They sacrifice their honour by making their wit and their humour subservient to the court only; and what made it still more dangerous, no man could appear upon the stage against them. We know that Dryden, the poet laureat of that reign, always represents the cavaliers as honest, brave, merry fellows, and fine gentlemen. Indeed his fine gentleman, as he generally draws him, is an atheistical, lewd, abandoned fellow, which was

at that time, it seems, the fashionable character at court. On the other hand, he always represents the dissenters as hypocritical, dissembling rogues, or stupid senseless boobies. When the court had a mind to fall out with the Dutch, he wrote his *Amboyna*,* in which he represents the Dutch as a pack of avaricious, cruel, ungrateful rascals :—and when the exclusion bill was moved in parliament, he wrote his *Duke of Guise*,† in which those who were for preserving and securing the religion of their country, were exposed under the character of the duke of Guise and his party, who leagued together for excluding Henry IV. of France from the throne, on the account of his religion.—The city of London too was made to feel the partial and mercenary licentiousness of the stage at that time ; for the citizens having at that time, as well as now, a great deal of property, they had a mind to preserve that property, and therefore they opposed some of the arbitrary measures which were then begun, but pursued more openly in the following reign ; for which reason they were then always represented upon the stage as a parcel of designing knaves, dissembling hypocrites, griping usurers—and cuckolds into the bargain.

My lords, the proper business of the stage, and that for which only it is useful, is to expose those vices and follies, which the laws cannot lay hold of ; and to recommend those beauties and virtues, which ministers and courtiers seldom either imitate or reward. But by laying it under a license, and under an arbitrary court license too, you will, in my opinion, entirely pervert its use : for though I have the greatest esteem for that noble duke, in whose hands this

* This is not quite exact. The Dutch war began in 1672. The play was acted and printed in 1673.

† This was certainly a party play, though the occasion of it may be doubted. It made its appearance in 1683, and was violently attacked by the Whigs. If lord Chesterfield had implicitly adopted the opinions of his grandfather Halifax, he would scarcely have spoken, as he does here, of the exclusion bill.

power is at present designed to fall, though I have an entire confidence in his judgment and impartiality; yet I may suppose that a leaning towards the fashions of a court is sometimes hard to be avoided. It may be very difficult to make one, who is every day at court, believe that to be a vice or folly, which he sees daily practised by those he loves and esteems. By custom, even deformity itself becomes familiar, and at last agreeable. To such a person, let his natural impartiality be never so great, that may appear to be a libel against the court, which is only a most just and a most necessary satire upon the fashionable vices and follies of the court. Courtiers, my lords, are too polite to reprove one another; the only place where they can meet with any just reproof, is a free though not a licentious stage; and as every sort of vice and folly, generally in all countries, begins at court, and from thence spreads through the country, by laying the stage under an arbitrary court license, instead of leaving it what it is, and always ought to be, a gentle scourge for the vices of great men and courtiers, you will make it a canal for propagating and conveying their vices and follies through the whole kingdom.

From hence, my lords, I think it must appear, that the bill now before us cannot so properly be called a bill for restraining licentiousness, as it may be called a bill for restraining the liberty of the stage, and for restraining it too in that branch which, in all countries, has been the most useful; therefore I must look upon this bill as a most dangerous encroachment upon liberty in general. Nay, further, my lords, it is not only an encroachment upon liberty, but it is likewise an encroachment upon property. Wit, my lords, is a sort of property: it is the property of those who have it, and too often the only property they have to depend on. It is indeed but a precarious dependance. Thank God! we, my lords, have a dependance of another kind; we have a much less precarious support, and therefore cannot feel the inconveniences of the bill now before us; but it is our duty to encourage and protect wit, whosoever property it may be. Those

gentlemen who have any such property, are all, I hope, our friends. Do not let us subject them to any unnecessary or arbitrary restraint. I must own I cannot easily agree to the laying of any tax upon wit : but by this bill it is to be heavily taxed ; it is to be excised : for, if this bill passes, it cannot be re-tailed in a proper way without a permit, and the lord chamberlain is to have the honour of being chief gauger, supervisor, commissioner, judge, and jury. But what is still more hard, though the poor author, the proprietor I should say, cannot perhaps dine till he has found out and agreed with a purchaser ; yet, before he can propose to seek for a purchaser, he must patiently submit to have his goods rummaged at this new excise office, where they may be detained for fourteen days, and even then he may find them returned as prohibited goods, by which his chief and best market will be for ever shut against him ; and that without any cause, without the least shadow of reason, either from the laws of his country, or the laws of the stage.

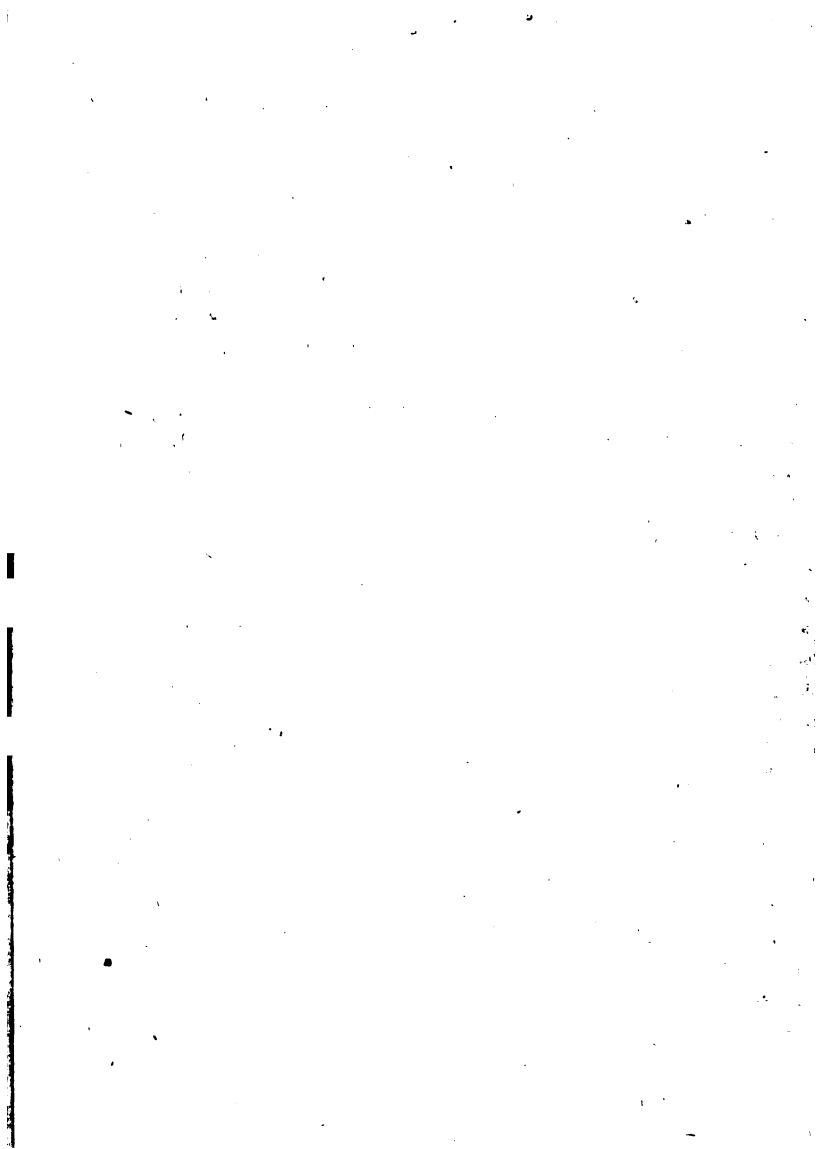
These hardships, this hazard, which every gentleman will be exposed to, who writes any thing for the stage, must certainly prevent every man of a generous and free spirit from attempting any thing in that way ; and, as the stage has always been the proper channel for wit and humour, therefore, my lords, when I speak against this bill, I must think, I plead the cause of wit ; I plead the cause of humour ; I plead the cause of the British stage, and of every gentleman of taste in the kingdom. But it is not, my lords, for the sake of wit only ; even for the sake of his majesty's lord chamberlain, I must be against this bill. The noble duke who has now the honour to execute that office has, I am sure, as little inclination to disoblige as any man ? but, if this bill passes, he must disoblige, he may disoblige some of his most intimate friends. It is impossible to write a play, but some of the characters, or some of the satire, may be interpreted so as to point at some person or another, perhaps at some person in an eminent station. When it comes to be acted, the people will make

the application; and the person against whom the application is made will think himself injured, and will at least privately resent it; at present this resentment can be directed only against the author; but, when an author's play appears with my lord chamberlain's passport, every such resentment will be turned from the author, and pointed directly against the lord chamberlain, who by his stamp made the piece current. What an unthankful office are we therefore by this bill to put upon his majesty's lord chamberlain! an office which can no way contribute to his honour or profit, and such a one as must necessarily gain him a great deal of ill will, and create him a number of enemies.

The last reason I shall trouble your lordships with, for my being against the bill, is that, in my opinion, it will in no way answer the end proposed: I mean the end openly proposed; and I am sure the only end which your lordships propose. To prevent the acting of a play which has any tendency to blasphemy, immorality, sedition, or private scandal, can signify nothing, unless you can prevent its being printed and published. On the contrary, if you prevent its being acted, and admit of its being printed, you will propagate the mischief. Your prohibition will prove a bellows, which will blow up the fire you intended to extinguish. This bill can therefore be of no use for preventing either the publick or the private injury intended by such a play; and consequently can be of no manner of use, unless it be designed as a precedent, as a leading step towards another for subjecting the press likewise to a licenser. For such a wicked purpose it may indeed be of great use; and in that light it may most properly be called a step towards arbitrary power.

Let us consider, my lords, that arbitrary power has seldom or never been introduced into any country at once. It must be introduced by slow degrees, and as it were step by step, lest the people should perceive its approach. The barriers and fences of the people's liberty must be plucked up one by one, and some

plausible pretences must be found for removing or hood-winking, one after another, those sentries who are posted by the constitution of a free country, for warning the people of their danger. When these preparatory steps are once made, the people may then indeed, with regret, see slavery and arbitrary power making long strides over their land ; but it will be too late to think of preventing or avoiding the impending ruin. The stage, my lords, and the press, are two of our out-sentries ; if we remove them, if we hood-wink them—if we throw them in fetters, the enemy may surprise us. Therefore I must look upon the bill now before us as a step, and a most necessary step too, for introducing arbitrary power into this kingdom : it is a step so necessary, that if ever any future ambitious king, or guilty minister, should form to himself so wicked a design, he will have reason to thank us, for having done so much of the work to his hand ; but such thanks, or thanks from such a man, I am convinced, every one of your lordships would blush to receive, and scorn to deserve.



LORD CHATHAM'S SPEECH,

IN THE HOUSE OF LORDS, ON THE 22D OF JANUARY, 1770,
ON A MOTION OF LORD ROCKINGHAM, TO INQUIRE INTO
THE STATE OF THE NATION.

ON the 22d of January, 1770, the Marquis of Rockingham moved, "That a day be fixed to take into consideration the state of the nation," which then, was singularly agitated by the dissensions of party at home, and by the alarming aspects of disaffection that began to be displayed in the American colonies. This motion he prefaced with a speech of great length, in which he insisted that the unhappy posture of affairs, and the universal discontents of the people did not arise from any immediate or temporary cause; but had grown by degrees and were deeply implanted. From the accession of his present majesty, he contended that there had been a total change of the old system of English government, and a new maxim adopted fatal to their liberties, namely, "that the royal prerogative was alone sufficient to support government to whatever hands the administration of it might be committed."

Imputing all the bad measures of his majesty's reign to the obstinate adherence to this principle, he entered into a minute examination of those measures, tracing their connexion with the principle, and pointing out their direct agency in producing the critical condition of the country.

He concluded by recommending to their lordships to appoint an early day for the discussion of his motion, when he trusted the situation of the country

would be fairly and thoroughly canvassed in all its relations, foreign, provincial, and domestick.

The Duke of Grafton, the minister, instantly arose and declared, that so far from opposing the motion he would second it, and was prepared to meet the noble lord upon the momentous question whenever the house thought proper. For the present, he meant only to exculpate himself from some severe reflections which he thought were directed particularly and personally against himself. After repelling these he went however, with hasty steps over the ground which had been previously travelled by lord Rockingham, and vindicated with his usual candour and ability, the measures that were so acrimoniously and indecently arraigned.

Lord Chatham followed him in the debate. The speech which he delivered on the occasion we are induced to preserve as a celebrated example of 'bold, ardent, and impetuous eloquence. Though often commended, we confess that it is not altogether to our taste. There will be found, at least in parts of it, little of that dignity of manner, or moderation of temper which became the leading member of the first deliberative assembly of the world. Its language has more of the violence of passionate invective than the energy of truth, or the sublimity of genuine enthusiasm. Its sentiments, considering especially the embarrassed conjuncture in which his country was placed at the time, are such as surely wisdom would not have dictated, or honest patriotism approved. It exhibits no power of argument, no enlarged views of policy, no splendour of imagery, and none of the embellishments of taste. It has the *verba ardentia*, and the energy of declamation, and these are its only merits.

It is the vehement harangue of a Tiberius Gracchus to inflame a populace and to excite their noisy acclamations, not an eloquent and well reasoned effort to sway the decisions of a *house of lords*, or to command the applause of enlightened criticism.

SPEECH, &c.

MY LORDS,

I MEANT to have arisen immediately to second the motion made by the noble lord. The charge which the noble duke seemed to think affected himself particularly, did undoubtedly demand an early answer. It was proper he should speak before me, and I am as ready as any man to applaud the decency and propriety with which he has expressed himself.

I entirely agree with the noble lord, both in the necessity of your lordships concurring with the motion, and in the principles and arguments by which he has very judiciously supported it. I see clearly, that the complexion of our government has been materially altered; and I can trace the origin of the alteration up to a period, which ought to have been an era of happiness and prosperity to this country.

My lords, I shall give you my reasons for concurring with the motion, not methodically, but as they occur to my mind. I may wander, perhaps, from the exact parliamentary debate; but I hope I shall say nothing but what may deserve your attention, and what, if not strictly proper at present, would be fit to be said, when the state of the nation shall come to be considered. My uncertain state of health must plead my excuse. I am now in some pain, and very probably may not be able to attend my duty when I desire it most, in this house. I thank God, my lords, for having thus long preserved, so inconsiderable a being as I am, to take a part upon this great occasion, and to contribute my endeavours, such as they are, to restore, to save, to confirm the constitution.

My lords, I need not look abroad for grievances. The grand capital mischief is fixed at home. It corrupts the very foundation of our political existence, and preys upon the vitals of the state. The constitution has been grossly violated. *The constitution at this moment stands violated.* Until that wound be healed, until the grievance be redressed, it is in vain to recommend union to parliament; in vain to pro-

mote concord among the people. If we mean seriously to unite the nation within itself, we must convince them that their complaints are regarded, that their injuries shall be redressed. On that foundation I would take the lead in recommending peace and harmony to the people. On any other, I would never wish to see them united again. If the breach in the constitution be effectually repaired, the people will of themselves return to a state of tranquillity—if not, *may discord prevail forever*. I know to what point this doctrine and this language will appear directed. But I feel the principles of an Englishman, and I utter them without apprehension or reserve. The crisis is indeed alarming. So much the more does it require a prudent relaxation on the part of government. If the king's servants will not permit a constitutional question to be decided on, according to the forms, and on the principles of the constitution, it must then be decided in some other manner; and rather than it should be given up, rather than the nation should surrender their birthright to a despotick minister, I hope, my lords, old as I am, I shall see the question brought to issue, and fairly tried between the people and the government. My lord, this is not the language of faction; let it be tried by that criterion, by which alone we can distinguish what is factious from what is not—by the principles of the English constitution. I have been bred up in these principles; and know, that when the liberty of the subject is invaded, and all redress denied him, resistance is justified. If I had a doubt upon the matter, I should follow the example set us by the most reverend bench, with whom I believe it is a maxim, when any doubt in point of faith arises, or any question of controversy is started, to appeal at once to the greatest source and evidence of our religion—I mean the Holy Bible. The constitution has its Political Bible, by which, if it be fairly consulted, every political question may, and ought to be determined. Magna Charta, the Petition of Rights and the Bill of Rights, form that code which, I call the *Bible of the English Constitu-*

tion. Had some of his majesty's unhappy predecessors trusted less to the comments of their ministers; had they been better read in the text itself, the glorious revolution would have remained only possible in theory, and would not now have existed upon record a formidable example to their successors.

My lords, I cannot agree with the noble duke, that nothing less than an immediate attack upon the honour or interest of this nation, can authorize us to interpose in defence of weaker states, and in stopping the enterprises of an ambitious neighbour. Whenever that narrow, selfish policy, has prevailed in our councils, we have constantly experienced the fatal effects of it. By suffering our natural enemies to oppress the powers, less able than we are to make a resistance, we have permitted them to increase their strength, we have lost the most favourable opportunities of opposing them with success; and found ourselves at last obliged to run every hazard, in making that cause our own, in which we were not wise enough to take part, while the expense and danger might have been supported by others.—With respect to Corsica I shall only say, that France has obtained a more useful and important acquisition in one *pacifick* campaign, than in any of her *belligerent* campaigns; at least while I had the honour of administering the war against her. The word may, perhaps, be thought singular. I mean only while I was the minister, chiefly intrusted with the conduct of the war. I remember, my lords, the time when Lorrain was united to the crown of France; that too was, in some measure, a *pacifick* conquest; and there were people who talked of it, as the noble duke now speaks of Corsica. France was permitted to take and keep possession of a noble province; and, according to his grace's ideas, we did right in not opposing it. The effect of these acquisitions, is, I confess not immediate; but they unite with the main body by degrees, and, in time, make a part of the national strength. I fear, my lords, it is too much the temper of this country to be insen-

sible of the approach of danger, until it comes with accumulated terrour upon us.

My lords, the condition of his majesty's affairs in Ireland, and the state of that kingdom within itself, will undoubtedly make a very material part of your lordships' inquiry. I am not sufficiently informed to enter into the subject so fully as I could wish; but by what appears to the publick, and from my own observation, I confess I cannot give the ministry much credit for the spirit or prudence of their conduct. I see, that even where their measures are well chosen, they are incapable of carrying them through without some unhappy mixture of weakness or imprudence. They are incapable of doing entirely right. My lords, I do, from my conscience, and from the best weighed principles of my understanding, applaud the augmentation of the army. As a military plan, I believe it has been judiciously arranged. In a political view, I am convinced it was for the welfare, for the safety of the whole empire. But, my lords, with all these advantages, with all these recommendations, if I had the honour of advising his majesty, I would never have consented to his accepting the augmentation, with that absurd dishonourable condition, which the ministry have submitted to annex to it. My lords, I revere the just prerogative of the crown, and would contend for it as warmly as for the rights of the people. They are linked together, and naturally support each other. I would not touch a feather of the prerogative. The expression, perhaps, is too light; but since I have made use of it, let me add, that the entire command and power of directing the local disposition of the army is the royal prerogative, as the master feather in the eagle's wing; and, if I were permitted to carry the allusion a little further, I would say, they have disarmed the imperial bird, the "*Ministrum Fulminis Alitem*." The army is the thunder of the crown.—The ministry have tied up the hand which should direct the bolt.

My lords, I remember that Minorca was lost for want of four battalions. They could not be spared

from hence; and there was a delicacy about taking them from Ireland. I was one of those, who promoted an inquiry into that matter in the other house; and I was convinced we had not regular troops sufficient for the necessary service of the nation. Since the moment the plan of augmentation was first talked of, I have constantly and warmly supported it among my friends. I have recommended it to several members of the Irish house of commons, and exhorted them to support it with their utmost interest in parliament. I did not foresee, nor could I conceive it possible, the ministry would accept of it, with a condition that makes the plan itself ineffectual, and, as far as it operates, defeats every useful purpose of maintaining a standing military force. His majesty is now so confined by his promise, that he must leave twelve thousand men locked up in Ireland, let the situation of his affairs abroad, or the approach of danger to this country, be ever so alarming, unless there be an actual rebellion, or invasion, in Great Britain. Even in the two cases excepted by the king's promise, the mischief must have already begun to operate, must have already taken effect, before his majesty can be authorized to send for the assistance of his Irish army. He has not left himself the power of taking any preventive measures, let his intelligence be ever so certain, let his apprehensions of invasion or rebellion be ever so well founded. Unless the traitor be actually in arms; unless the enemy be in the heart of your country, he cannot move a single man from Ireland.

I feel myself compelled, my lords, to return to that subject which occupies and interests me most. I mean the internal disorder of the constitution, and the remedy it demands. But first, I would observe, there is one point upon which I think the noble duke has not explained himself. I do not mean to catch at words, but, if possible, to possess the sense of what I hear. I would treat every man with candour, and should expect the same candour in return. For the noble duke, in particular, I have every personal respect and regard. I never desire to understand him,

but as he wishes to be understood. His grace, I think, has laid much stress upon the diligence of the several publick offices, and the assistance given them by the administration, in preparing a state of the expenses of his majesty's civil government, for the information of parliament, and for the satisfaction of the publick. He has given us a number of plausible reasons for their not having yet been able to finish the account; but, as far as I am able to recollect, he has not yet given us the smallest reason to hope that it ever will be finished; or that it ever will be laid before parliament.

My lords, I am not unpractised in business, and if, with all that apparent diligence, and all that assistance, which the noble duke speaks of, the accounts in question have not yet been made up, I am convinced there must be a defect in some of the publick offices, which ought to be strictly inquired into, and severely punished. But, my lords, the waste of the publick money is not of itself so important as the pernicious purpose to which we have reason to suspect that money has been applied. For some years past, there has been an influx of wealth into this country, which has been attended with many fatal consequences, because it has not been the regular, natural produce of labour and industry. The riches of Asia have been poured in upon us, and have brought with them not only Asiatick luxury, but, I fear, Asiatick principles of government. Without connexions, without any natural interest in the soil, the importers of foreign gold have forced their way into parliament, by such a torrent of private corruption, as no private hereditary fortune could resist. My lords, not saying but what is within the knowledge of us all, the corruption of the people is the great original cause of the discontents of the people themselves, of the enterprise of the crown, and the notorious decay of the internal vigour of the constitution. For this great evil some immediate remedy must be provided; and I confess, my lords, I did hope, that his majesty's servants would not have suffered so many years of peace to relapse, without

paying some attention to an object, which ought to engage and interest us all. I flattered myself I should see some barriers thrown up in defence of the constitution; some impediment formed to stop the rapid progress of corruption. I doubt not we all agree that something must be done. I shall offer my thoughts, such as they are, to the consideration of the house; and I wish that every noble lord that hears me, would be as ready as I am to contribute his opinion to this important service. I will not call my own sentiments crude and indigested; it would be unfit for me to offer any thing to your lordships, which I had not well considered; and this subject, I own, has not long occupied my thoughts. I will now give them to your lordships without reserve.

Whoever understands the theory of the English constitution, and will compare it with the fact, must see at once how widely they differ. We must reconcile them to each other, if we wish to save the liberties of this country; we must reduce our political practice, as nearly as possible, to our principles. The constitution intended that there should be a permanent relation between the constituent and representative body of the people. Will any man affirm, that, as the house of commons is now formed, that relation is in any degree preserved? My lords, it is not preserved; it is destroyed. Let us be cautious however, how we have recourse to violent expedients.

The boroughs of this country have properly enough been called the rotten parts of the constitution. I have lived in Cornwall, and without entering into any invidious particularity, have seen enough to justify the appellation. But in my judgment, my lords, these boroughs, corrupt as they are, must be considered as the natural infirmity of the constitution. Like the infirmities of the body, we must bear them with patience, and submit to carry them about with us. The limb is mortified, but the amputation might be death.

Let us try, my lords, whether some gentler remedies may not be discovered. Since we cannot cure the disorder, let us endeavour to infuse such a portion of new health into the constitution, as may enable it to support its most inveterate diseases.

The representation of the counties is, I think, still preserved pure and uncorrupted. That of the greatest cities is upon a footing equally respectable; and there are many of the larger trading towns, which still preserve their independence. The infusion of health which I now allude to, would be to permit every county to elect one member more, in addition to their present representation. The knights of the shires approach nearest to the constitutional representation of the country, because they represent the soil. It is not in the little dependent boroughs, it is in the great cities and counties that the strength and vigour of the constitution resides, and by them alone, if an unhappy question should ever arise, will the constitution be honestly and firmly defended. It would increase that strength, because I think it is the only security we have against the profligacy of the times, the corruption of the people, and the ambition of the crown.

I think I have weighed every possible objection that can be raised against a plan of this nature; and I confess I see but one, which, to me, carries any appearance of solidity. It may be said, perhaps, that when the act passed for uniting the two kingdoms, the number of persons who were to represent the whole nation in parliament was proportioned and fixed on for ever. That this limitation is a fundamental article, and cannot be altered without hazarding a dissolution of the Union.

My lords, no man who hears me can have a greater reverence for that wise and important act, than I have. I revere the memory of that great prince who first formed the plan, and of those illustrious patriots who carried it into execution. As a contract, every article of it should be inviolable; as the common basis of the strength and happiness of two nations, every article of it should be sacred. I hope I cannot be suspect-

ed of conceiving a thought so detestable, as to propose an advantage to one of the contracting parties at the expense of the other. No, my lords, I mean that the benefit should be universal, and the consent to receive it unanimous. Nothing less than a most urgent and important occasion should persuade me to vary even from the letter of the act ; but there is no occasion, however urgent, however important, that should ever induce me to depart from the spirit of it. Let that spirit be religiously preserved. Let us follow the principle upon which the representation of the two countries was proportioned at the Union ; and when we increase the number of representatives for the English counties, let the shires of Scotland be allowed an equal privilege. On these terms, and while the proportion limited by the Union is preserved by the two nations, I apprehend that no man who is a friend to either, will object to an alteration, so necessary for the security of both. I do not speak of the authority of the legislature to carry such a measure into effect, because I imagine no man will dispute it. But I would not wish the legislature to interpose by an exertion of its power alone, without the cheerful concurrence of all parties. My object is the happiness and security of the two nations, and I would not wish to obtain it without their mutual consent.

My lords, besides my warm approbation of the motion made by the noble lord, I have a natural and personal pleasure in rising up to second it. I consider my seconding his lordship's motion, and I would wish it to be considered by others, as a publick demonstration of that cordial union, which I am happy to affirm, subsists between us—of my attachment to those principles which he has so well defended, and of my respect for his person. There has been a time, my lords, when those who wished well to neither of us, who wished to see us separated for ever, found a sufficient gratification for their malignity against us both. But that time is happily at an end. The friends of this country will, I doubt not, hear with pleasure, that the noble lord and his friends are

now united with me and mine, upon a principle which, I trust, will make our union indissoluble. It is not to possess, or divide, the emoluments of government; but, if possible, to save the state. Upon this ground we met; upon this ground we stand, firm and inseparable. No ministerial artifices, no private offers, no secret seduction, can divide us. United as we are, we can set the profoundest policy of the present ministry, their grand, their only arcanum of government, their *divide et impera*, at defiance.

I hope an early day will be agreed to for considering the state of the nation. My infirmities must fall heavily upon me, indeed, if I do not attend my duty that day. When I consider my age, and unhappy state of health, I feel how little I am personally interested in the event of any political question. But I look forward to others, and am determined, as far as my poor ability extends, to convey to them who come after me, the blessings which I cannot hope to enjoy myself.

MR. MURRAY'S SPEECH,

AFTERWARDS LORD MANSFIELD, ON A BILL INTRODUCED INTO THE HOUSE OF COMMONS DECEMBER THE ELEVENTH, 1742, TO PREVENT THE ENSURANCE OF FRENCH SHIPS, &c. DURING THE WAR.

TO indulge the liberal curiosity which we know has eagerly sought the legal and parliamentary speeches of the late Earl Mansfield, we have directed a very careful and extensive research into the multifarious repositories of fugitive literature. But this range of inquiry has been rewarded with such slender acquisitions, that it has served to confirm the apprehension we entertained when we undertook it, that these glorious productions of his genius and of his learning had met with the sinister fate common to the eloquence of the times.

As far as we are able to determine, it appears that, of all his forensick pleadings, not one has been faithfully reported. The substance, indeed, of many of them may be had, but naked and deformed, without any of the life, or grace, or elegance of diction by which they were confessedly distinguished in the delivery. We reject, therefore, the whole of these unseemly, crude, and defective reports, as the mere husks from which has escaped, in the careless process of preservation, every particle of the ethereal spirit originally infused into his speeches.

This neglect of his legal, has not been redeemed by any superiour attention to his parliamentary eloquence. For though upwards of half a century he took a leading part in the more important debates of

the two houses, there is a very small number of his *real speeches* extant. Of the *meagre skeletons* of the stenographer, and of the *plausible impositions* of venal writers, enough may be found. We have culled a few speeches that are indubitably genuine, and which perhaps, are the only remaining monuments of his eloquence, except his judicial decisions, some of which are interspersed with the sublimest effusions of the art.

The speech here inserted, was delivered on the eleventh of December, 1747, on a bill brought into the house of commons to prevent the ensurance of French ships, and their lading, during the continuance of the war with that power. Though in this speech we do not discern much of the melliflence of the "silver tongued Murray," yet we at once recognize in it the accustomed subtlety of his argumentation, and the profound and pertinent knowledge which he uniformly brought into discussion.

The correct views exhibited in the speech of an exceedingly interesting doctrine of commercial policy give it a solidity of value not to be impaired by any comparative deficiency of rhetorical drapery.

SPEECH, &c.

MR. SPEAKER,

ALTHOUGH I have very little hopes of succeeding in opposition to what the honourable gentleman has proposed, yet, as I have the honour of a seat in this assembly, I think the duty I owe to my country obliges me to give my sentiments openly and freely upon the subject, because, I see we are about to do what we have often done upon like occasions. We are going to make a regulation under popular pretences, which, in my opinion, will ruin a very beneficial branch of trade we are now in possession of, I may say, without a rival, and will transfer it to our greatest rival and most dangerous enemy. This, I say, sir, we have often done before, of which I could give a multitude of instances, but shall men-

tion only a few, in order to show how cautious we ought to be of making any new regulations or prohibitions with respect to trade, however plausible the pretences may be that are offered for inducing our approbation.

In the reign of Charles II. our landed gentlemen, especially those in the west, found that the produce of their estates, such as cattle, sheep, swine, butter, and cheese, was very much lowered in its price by the importation of such commodities, especially from Ireland. Though it is the general interest of every country, where there is any trade or manufacture, to have the price of those commodities as cheap as possible, because it lessens the price of labour, and consequently enables them to undersell their rivals at every foreign market; yet the imaginary private interest of our landed gentlemen prevailed, in spite of the court, over the general interest of the country, and a law was made for prohibiting the importation of all such commodities. I say, sir, the imaginary interest of the landed gentlemen; for it is certainly their real interest to encourage by all possible means the trade, manufactures, and commerce, of their country: but this is a future distant interest, which strikes very few men so strongly as that which is present; and therefore the present imaginary interest then prevailed over that which was real, but future. What was the consequence? As to the black cattle and swine, the Irish being thus prevented from importing them into England, where formerly they were fattened up and killed, the breeders of such cattle and swine were forced to fatten them up themselves, to salt what they could not find vent for at home, and to sell their salt beef and pork, as well as their butter and cheese, to the French, who were then just beginning to set up manufactories, and to plant their sugar colonies, neither of which they could so easily or so soon have done, had they not been supplied with these provisions from Ireland.

This was, sir, the fatal consequence of our wise regulation with respect to Irish black cattle, swine,

butter and cheese; but, with respect to sheep, the consequence was still more fatal: for, the Irish being prevented from bringing their sheep to England, and being unable to make any thing of them when killed at home, or to send them dead or alive to any foreign market, they kept them running in their sheep walks, and increasing in number every year, merely for the sake of the wool, by which that commodity was rendered much cheaper in Ireland than it was in England, which produced two consequences fatal to our trade and manufactures; for, first, by the cheapness of wool in Ireland, great quantities of it were stolen away to France, notwithstanding the utmost we could do to prevent it, and sold there as cheap as the same commodity could be sold in England, which laid the first and chief foundation of all their woollen manufactures; and, secondly, by the cheapness of wool in Ireland the people there were enabled to set up woollen manufactures of their own, which soon came to vie with those of England; so that our merchants found themselves rivalled and undersold at all foreign markets by the Irish, which led us into the committing of another most egregious solecism in our politicks with regard to our trade.

As I have said, sir, the merchants, who exported our woollen manufactures, soon found themselves rivalled and undersold at most foreign markets by the Irish; this obliged them to endeavour to beat down the price of our manufactures here at home; and the reason they assigned for so doing was their being undersold by the Irish abroad, which of course raised a popular clamour against allowing the Irish to export any woollen manufactures. As every set of tradesmen, and indeed every particular tradesman, would be glad to have a monopoly in what he deals in, it was no way surprising to hear such a clamour raised among our manufacturers and unthinking people here at home; and if we could by a law prevent every nation in the world from carrying on any woollen manufactures, I shall grant, that it would have been right to have prohibited the exportation of woollen

manufactures from Ireland : but as we cannot by a law prevent other nations from being our rivals in this manufacture, as well as every other ; as we can no way do this but by enabling our own people to work up and sell their manufactures cheaper than the same sort of manufactures can be worked up and sold in any other country, instead of prohibiting the exportation of any woollen manufactures from Ireland, we should have thought only on methods for rendering the materials and labour in England as cheap as they were in Ireland ; and the first and most obvious method for this purpose was, to have repealed that law which prohibited the importation of so many of the necessaries of life from Ireland.

But, sir, instead of this, the popular clamour prevailed, and in the year 1699 a law was passed for prohibiting the exportation of any woollen manufactures whatsoever out of Ireland to any place except England and Wales. Nay, even to England and Wales the exportation was laid under such restrictions, as made it almost impossible for the Irish to sell any of their woollen manufactures, except in their own country : the consequence of which was of course, that many of their manufacturers, both masters and servants, were obliged to seek for employment in foreign countries, and most of them went to France, which established the woollen manufactures of that kingdom, and increased the clandestine exportation of wool from Ireland to France ; so that in a little time the French made sufficient for their own consumption, and by a new solecism in our politicks, we soon opened for them a foreign market. But before I explain myself upon this head, I shall observe, that if we had, in the year 1699, repealed the law which prohibited the importation of Irish cattle, sheep, swine, butter, and cheese, it would have enabled the manufacturers in England to work up and sell their manufactures as cheap as the Irish, and both would have been sold so cheap at foreign markets, as would have generally increased the demand, which would have furnished employment enough for all the manufacturers both in

Ireland and England, and would have rendered it impossible for the French to succeed in establishing a woollen manufacture of any kind, because the cheapness of our coarse woollen manufactures would have made them be run into France, and consumed there, in spite of all the measures their government could have taken to prevent it; and every one knows, that manufactories have in all countries been first set up by the coarser sort of manufactures; consequently, if we could have prevented the French from succeeding in any of the coarser sort, we should have prevented their being ever able to manufacture any of the finer sort, either for themselves or their neighbours.

Thus, sir, by endeavouring to keep up the price of our own manufactures, at the expense of our fellow-subjects in Ireland, we enabled our most dangerous enemies to succeed so far in setting up woollen manufactories, as to furnish themselves with what they wanted in that way; and, as I have said, we at last enabled them, by a new solecism in our politicks with regard to trade, to become our rivals at foreign markets. What I mean, sir, is our declaration of war against Spain in 1702; for, though we had sufficient provocation to declare war against France, the new king of Spain, whom we had acknowledged but the year before, had given us no provocation to declare war against him; and a regard for our trade with Spain, which had been always before of great advantage to us, should have made us avoid being the first to declare war against that kingdom. Till that time, Spain had always been the chief mart for our woollen manufactures; but, by thus rashly declaring war against them, we shut up, in a great measure, that mart for the woollen manufactures of England, and opened it for those of France; for, though we were then wise enough not to prohibit trade with Spain, notwithstanding the war we had declared, yet the war gave such an interruption to our commerce, and raised such an aversion among the Spaniards against us, that by degrees they were brought into

the custom of wearing French instead of English manufactures.

I could mention many other instances, sir, where we have injured our own trade, and promoted that of our most inveterate enemy, by ill-judged regulations, or mistaken politicks; but these, I hope, will be sufficient for showing gentlemen how cautious they ought to be, when any new regulation is proposed with respect to trade, especially a regulation which may perhaps strip us of the only branch of trade we now enjoy without a rival, and may very probably transfer it to our enemies the French. I say, sir, a branch of trade, which we now enjoy without a rival; for, I believe, there is a great deal more of the ensurance business done now in England than in all Europe besides. Not only the nations we are in amity with, but even our enemies the French and Spaniards, transact most of their business of ensurance here at London; and I cannot think it any crime in our merchants to correspond with them on this head, no more than it was in our merchants to correspond about trade with the Spanish merchants during the whole time of the war in queen Anne's reign. To carry on trade for the mutual benefit of both nations is not aiding and assisting the enemy, nor is it such a correspondence as was intended to be prohibited by his majesty's declaration of war, especially when it is such a trade as must always leave a large balance in ready money here in England.

This balance, I shall grant, sir, may appear to be but a trifle when compared with the expense we are at in supporting the war; but, the greater that expense is, the more money we are obliged to send out yearly on that account; surely, the more cautious we ought to be of parting with any branch of trade which certainly leaves a balance here: and, if we consider the great profits made by the ensurer, the profits made by the broker or office keeper, the profits made by the factor, and the profits made by our dealers in exchange, we cannot suppose this balance to be such a trifle as the honourable gentleman seems

inclined to represent it. For my own part, I must suppose that it amounts to a very large sum annually, when I consider the vast sums yearly ensured here upon French and Spanish bottoms, both which I must take into the account, because I am of opinion that we shall lose both by this regulation.

Nevertheless, sir, however great I may think this balance, however dangerous I may think the regulation proposed, I should readily agree to it, could I think it certain that the French merchants would find it impossible to meet with good insurers either at home or in any other part of Europe: but I am so far from thinking this certain, that I think the certainty lies on the other side. It is well known that there is not a more enterprising, adventurous people in Europe than the French naturally are, nor a people that have a greater itch for every thing that looks like gaming. Their having no publick insurance office, nor any number of private insurers in France, does not proceed from a want of rich men, who would be ready and willing to undertake this business, but from the difficulty they find at present to get any employment in this way. The French merchants have been so long accustomed to our shop, and have always found themselves so honourably dealt with, that they will not apply to any other, and will rather choose to pay commission here, than trust to any office, or any private insurer, among themselves. Therefore, while we admit them to insure here, it will never be in the power even of the government of France to set up a publick insurance office, nor can any private man there meet with encouragement in this way of business. But I am convinced, that, as soon as they hear of this bill's being passed into a law, a publick office of insurance will be erected at Paris, and multitudes of rich men there will undertake the business; because, after we have banished their merchants from our shop, they will apply to the shops set up in their own country, rather than to any foreign shop they have never been accustomed to.

What are we then to do by this regulation? Why, sir, we are to strip ourselves of a most profitable branch of trade, and transfer it to the French, who could never have got hold of it, if it had not been for this our wise regulation. And this will be the effect, not only as to insurances upon French ships, but, in a very little time, as to the insurances upon all the ships of Spain and Portugal; for, as the correspondence between them and Paris is quicker, and more certain, than the correspondence between them and London, they will apply to the offices of insurance at Paris, as soon as these offices have come into a little credit; and, if a publick office be set up there, with a large capital, their capital will procure them credit, as soon as the office is opened.

Having thus, sir, shown how probable it is, that the French merchants will find an easy and secure access to insurance at home, the very moment we exclude them from it in England, I think I have no occasion to take notice of the advantages we shall reap by the exclusion; for all those advantages are founded upon a supposition that it will be impossible for them to find so cheap and so secure an insurance at home as they now find in England, which is a supposition that, for the reasons I have mentioned, cannot, I think, with any reason, be supposed; and if this should turn out to be the case, as I am afraid it will, we shall strip ourselves of a branch of trade by which we now make a clear profit perhaps of several hundred thousand pounds yearly, and transfer it to our most dangerous rival; which is not, I am sure, a proper method for bringing the war to a happy and speedy conclusion.

Having mentioned the war, sir, I must observe, that our success at sea this last summer makes it more necessary for us to think of such a regulation now, than it has at any time since the war began; and, if Providence should favour us with the same success next summer, we shall have no occasion to prohibit insurances upon French ships; for it will raise the price of insurance so high, that no man, either in

France or any where else, will think of sending goods by any such ship. Before a merchant sends out a cargo, he always first sits down and computes what profit he may probably make by the adventure out and home; and, if the ensurance be so high that no profit he can expect will answer it, and something more for his own trouble and the use of his money, he will certainly resolve to send out no cargo at all. Therefore, if, by the success of our squadrons and cruisers, we should be able to raise the price of ensurance upon French ships to such a height that no trade could bear it, we shall much more effectually, and more safely, put an end to the French commerce, at least in their own ships, than we can do by this regulation; and, if they should fall upon any way to carry on their commerce in neutral bottoms, this regulation can no way affect it. This we should attempt; this, I am very sure, our ministers will do all that lies in their power to effectuate; and therefore, I think, we should suspend agreeing to any such dangerous regulation, till we have tried a little further what can be done in this way.

Before I sit down, sir, I must take notice of a suspicion, not a supposition, thrown out by the honourable gentleman, that some of our insurers have given intelligence to the French of the stations of our men of war and privateers, in order to prevent the French ships on which they had insured coming in their way. For my own part, I never heard that any such thing was suspected; but, on the contrary, I have heard that some of the richest prizes taken in this war fell into our hands by intelligence communicated by those employed to get insurances upon them. To this I must add, that it is, in my opinion, impossible for our insurers to give intelligence of the stations either of our cruisers or privateers; because our cruisers never know their stations till they open their instructions at sea, being, as I have heard, directed first to sail to such a station, and there to open their new orders; and as to our privateers, their station is always left to the direction of the captain, who may change it

as often as he will, and seldom goes out with any fixed design; or, if he does, he will, for his own sake, as well as for the sake of his owners, let no one into the secret.

I must therefore be of opinion, sir, that neither in this respect, nor any other, our insurers can do us any prejudice if they would; nor can they I think, give the French commerce any advantage, but such a one as the French merchants may meet with at home, the moment we exclude them from it here. How far the popular clamour without doors may prevail upon gentlemen within, I do not know; but, as I look upon the expedient proposed as a very dangerous one, and as an expedient that will certainly be attended with an advantage to the French trade, and a loss to our own; as I hope, and not without just grounds, that the advance of the premium will soon put an entire stop to all French insurances here or any where else, and consequently to all the French commerce in their own shipping, I must be against what is proposed; and, though I was sensible of its being at present a little unpopular to oppose such a proposition, I thought I was, in duty to my country, obliged to declare my sentiments openly and freely upon the subject.



LORD CHATHAM'S SPEECH,

ON THE BILL, AUTHORIZING THE QUARTERING OF BRITISH SOLDIERS ON THE INHABITANTS OF BOSTON.

CONFORMABLY to the scheme of rigorous coercion which the administration of Lord North had determined to pursue against the refractory colonies, a bill authorizing the quartering of soldiers on the inhabitants of Boston, was introduced into the house of lords on the 27th of May, 1774.

During the two preceding sessions, Lord Chatham had withdrawn from parliament, in utter despair of opposing with any prospect of success the large, resolute, and united majorities of the ministry.

But this bill being considered by him as especially calculated to inflame the temper of the Americans already alarmingly excited, and even indeed, to drive them to the violence of open revolt, he was induced once more to come forward, and by the exertion of his eloquence to endeavour to frustrate the perilous measure, and thus, to stay the current of disasters which he saw was ready to break upon the empire.

The speech was of no avail.

SPEECH, &c.

MY LORDS,

THE unfavourable state of health under which I have long laboured, could not prevent me from laying before your lordships my thoughts on the bill now upon the table, and on the American affairs in general.

If we take a transient view of those motives which induced the ancestors of our fellow subjects in Ame-

rica to leave their native country, to encounter the innumerable difficulties of the unexplored regions of the western world, our astonishment at the present conduct of their descendants will naturally subside. There was no corner of the world into which men of their free and enterprising spirit would not fly with alacrity, rather than submit to the slavish and tyrannical principles, which prevailed at that period in their native country. And shall we wonder, my lords, if the descendants of such illustrious characters spurn, with contempt, the hand of unconstitutional power, that would snatch from them such dear bought privileges as they now contend for? Had the British colonies been planted by any other kingdom than our own, the inhabitants would have carried with them the chains of slavery, and spirit of despotism; but as they are, they ought to be remembered as great instances to instruct the world, what great exertions mankind will naturally make, when they are left to the free exercise of their own powers. And, my lords, notwithstanding my intention to give my hearty negative to the question now before you, I cannot help condemning in the severest manner, the late turbulent and unwarrantable conduct of the Americans in some instances, particularly in the late riots of Boston. But, my lords, the mode which has been pursued to bring them back to a sense of their duty to their parent state, has been so diametrically opposite to the fundamental principles of sound policy, that individuals, possessed of common understanding, must be astonished at such proceedings. By blocking up the harbour of Boston, you have involved the innocent trader in the same punishment with the guilty profligates who destroyed your merchandise; and instead of making a well concerted effort to secure the real offenders, you clap a naval and military extinguisher over their harbour, and punish the crime of a few lawless depredators and their abettors, upon the whole body of the inhabitants.

My lords, this country is little obliged to the framers and promoters of this tea tax. The Americans

had almost forgot, in their excess of gratitude for the repeal of the stamp act, any interest but that of the mother country; there seemed an emulation among the different provinces who should be most dutiful and forward in their expressions of loyalty to their real benefactor; as you will readily perceive by the following letter from governour Bernard to a noble lord then in office.

"The house of representatives," says he, "from the time of opening the session to this day, has shown a disposition to avoid all dispute with me; every thing having passed with as much good humour as I could desire. They have acted, in all things, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation."

This, my lords, was the temper of the Americans; and would have continued so, had it not been interrupted by your fruitless endeavours to tax them without their consent: but the moment they perceived your intention was renewed to tax them, under a pretence of serving the East India company, their resentment got the ascendant of their moderation, and hurried them into actions contrary to law, which, in their cooler hours, they would have thought on with horror: for I sincerely believe, the destroying of the tea was the effect of despair.

But, my lords, from the complexion of the whole of the proceedings, I think that administration has purposely irritated them into those late violent acts, for which they now so severely smart; purposely to be revenged on them for the victory they gained by the repeal of the stamp act: a measure to which they seemingly acquiesced; but at the bottom they were its real enemies. For what other motive could induce them to dress taxation, that father of American sedition in the robes of an East India director, but to break in upon that mutual peace and harmony, which then so happily subsisted between them and the mother country.

My lords, I am an old man, and would advise the noble lords in office to adopt a more gentle mode of governing America; for the day 'is not far distant, when America may vie with these kingdoms, not only in arms, but in arts also. It is an established fact, that the principal towns in America are learned and polite, and understand the constitution of the empire as well as the noble lords who are now in office; and, consequently, they will have a watchful eye over their liberties, to prevent the least encroachment on their hereditary rights.

This observation is so recently exemplified in an excellent pamphlet, which comes from the pen of an American gentleman, that I shall take the liberty of reading to your lordships his thoughts on the competency of the British parliament to tax America, which, in my opinion, puts this interesting matter in the clearest view.

"The high court of parliament," says he, "is the supreme legislative power over the whole empire; in all free states the constitution is fixed; and as the supreme legislature derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation. The constitution ascertains and limits both sovereignty and allegiance; and therefore his majesty's American subjects, who acknowledged themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the English constitution; and that it is an essential, unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within this realm, that what a man has honestly acquired, is absolutely his own; which he may freely give, but which cannot be taken from him without his consent."

This, my lords, though no new doctrine, has always been my received and unalterable opinion, and I will carry it to my grave, *that this country had no right under Heaven to tax America.* It is contrary to all the principles of justice and civil polity, which

neither the exigencies of the state, nor even an acquiescence in the taxes, could justify upon any occasion whatever. Such proceedings will never meet their wished for success; and, instead of adding to their miseries, as the bill now before you most undoubtedly does, adopt some lenient measures, which may lure them to their duty; proceed like a kind and affectionate parent over a child whom he tenderly loves; and, instead of those harsh and severe proceedings, pass an amnesty on all their youthful errors; clasp them once more in your fond and affectionate arms; and I will venture to affirm you will find them children worthy of their sire. But should their turbulence exist after your proffered terms of forgiveness, which I hope and expect this house will immediately adopt, I will be among the foremost of your lordships to move for such measures as will effectually prevent a future relapse, and make them feel what it is to provoke a fond and forgiving parent! a parent, my lords, whose welfare has ever been my greatest and most pleasing consolation. This declaration may seem unnecessary; but I will venture to declare, the period is not far distant, when she will want the assistance of her most distant friends: but should the all disposing hand of Providence prevent me from affording her my poor assistance, my prayers shall be ever for her welfare—*Length of days be in her right hand, and in her left riches and honour; may her ways be the ways of pleasantness, and all her paths be peace!*



LORD CHATHAM'S SPEECH

IN THE HOUSE OF LORDS, JANUARY 20th 1775. ON A MOTION FOR AN ADDRESS TO HIS MAJESTY, TO GIVE IMMEDIATE ORDERS FOR REMOVING HIS TROOPS FROM BOSTON FORTHWITH, IN ORDER TO QUIET THE MINDS AND TAKE AWAY THE APPREHENSIONS OF HIS GOOD SUBJECTS IN AMERICA.

LORD Dartmouth, the secretary of state for the colonial department, laid before the house of lords a variety of papers relating to American affairs at the opening of parliament, on the 20th of January 1775.

Convinced, by the contents of these documents, that it was not too late to renew a conciliatory policy with the colonies, lord Chatham moved on the same day, an address to his majesty, praying the removal of the troops from Boston, as a primary step towards the restoration of harmony, and the cementing of a permanent attachment.

It being previously understood, notwithstanding the infirmities of his health, and the little respect for a long time paid by ministry to his sentiments, that he would on this important occasion leave his retirement, to lend another effort to save that empire which, recently, under his auspices had reached such consummate glory, the house, at an early hour, was filled by an uncommonly numerous attendance of members, and the bar below, with an anxious and admiring audience.

When he arose to speak, observes a describer of the scene, all was silence and profound attention. Animated, and almost inspired by his subject, he seemed to feel his own unrivalled superiority. His

venerable figure, dignified and graceful in decay, his language, his voice, his gesture, were such as might at this momentous crisis, big with the fate of Britain, seem to characterize him as the guardian genius of his country.

This impressive appeal produced no salutary effect. The motion was rejected by the usual majority. Hostilities soon afterwards commenced, and, as he predicted, the "*immedicabile vulnus*" was sustained by the empire.

SPEECH, &c.

MY LORDS,

AFTER more than six weeks possession of the papers now before you, on a subject so momentous, at a time when the fate of this nation hangs on every hour; the ministry have at length condescended to submit to the consideration of this house intelligence from America, with which your lordships and the public have been long and fully acquainted.

The measures of last year, my lords, which have produced the present alarming state of America, were founded upon misrepresentation; they were violent, precipitate and vindictive. The nation was told, that it was only a faction in Boston, which opposed all lawful government; that an unwarrantable injury had been done to private property, for which the justice of parliament was called upon, to order reparation;—that the least appearance of firmness would awe the Americans into submission, and upon only passing the Rubicon we should be, *sine clade victor*.

That the people might choose their representatives under the impression of those misrepresentations, the parliament was precipitately dissolved. Thus the nation was to be rendered instrumental in executing the vengeance of administration on that injured, unhappy, traduced people.

But now, my lords, we find, that instead of suppressing the opposition of the faction at Boston, these measures have spread it over the whole continent.

They have united that whole people, by the most indissoluble of all bands—intolerable wrongs. The just retribution, is an indiscriminate, unmerciful proscription of the innocent with the guilty, unheard and untried. The bloodless victory, is an impotent general with his dishonoured army, trusting solely to the pickaxe and the spade, for security against the just indignation of an injured and insulted people.

My lords, I am happy that a relaxation of my infirmities permits me to seize this earliest opportunity of offering my poor advice to save this unhappy country, at this moment tottering to its ruin. But, as I have not the honour of access to his majesty, I will endeavour to transmit to him through the constitutional channel of this house, my ideas on American business, to rescue him from the misadvice of his present ministers. I congratulate your lordships that the business is at last entered upon, by the noble lord's* laying the papers before you. As I suppose your lordships are too well apprized of their contents, I hope I am not premature in submitting to you my present motion.†

I wish, my lords, not to lose a day in this urgent, pressing crisis. An hour now lost in allaying ferments in America, may produce years of calamity. For my own part, I will not desert, for a moment, the conduct of this weighty business, from the first to the last. Unless nailed to my bed by the extremity of sickness, I will give it unremitted attention. I will knock at the door of this sleeping and confounded ministry, and will rouse them to a sense of their important danger.

When I state the importance of the colonies to this country, and the magnitude of danger hanging over this country, from the present plan of misadministration practised against them, I desire not to be understood to argue for a reciprocity of indulgence between England and America. I contend not for indulgence, but justice to America; and I shall ever contend, that

* Lord Dartmouth.

† Reads the motion.

the Americans justly owe obedience to us in a limited degree—they owe obedience to our ordinances of trade and navigation; but let the line be skilfully drawn between the objects of those ordinances, and their private internal property. Let the sacredness of their property remain inviolate. Let it be taxable only by their own consent, given in their provincial assemblies; else it will cease to be property. As to the metaphysical refinements, attempting to show that the Americans are equally free from obedience and commercial restraints, as from taxation for revenue, as being unrepresented here, I pronounce them futile, frivolous, and groundless.

When I urge this measure of recalling the troops from Boston, I urge it on this pressing principle, that it is necessarily preparatory to the restoration of your peace, and the establishment of your prosperity. It will then appear that you are disposed to treat amicably and equitably; and to consider, revise, and repeal, if it should be found necessary, as I affirm it will, those violent acts and declarations which have disseminated confusion throughout your empire.

Resistance to your acts was necessary as it was just; and your vain declarations of the omnipotence of parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince, or to enslave your fellow subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature, or the bodies who compose it, is equally intolerable to British subjects.

The means of enforcing this thralldom are found to be as ridiculous and weak in practice, as they are unjust in principle. Indeed I cannot but feel the most anxious sensibility for the situation of general Gage, and the troops under his command; thinking him, as I do, a man of humanity and understanding; and entertaining as I ever will, the highest respect, the warmest love for the British troops. Their situation is truly unworthy; penned up—pining in inglorious inactivity. They are an army of impotence. You

may call them an army of safety and of guard; but they are in truth an army of impotence and contempt; and, to make the folly equal to the disgrace, they are an army of irritation and vexation.

But I find a report creeping abroad, that ministers censure general Gage's inactivity. Let them censure him—it becomes them—it becomes their justice and their honour. I mean not to censure his inactivity. It is a prudent and necessary inaction; but it is a miserable condition, where disgrace is prudence, and where it is necessary to be contemptible. This tameness, however contemptible, cannot be censured; for the first drop of blood shed in civil and unnatural war might be *immedicabile vulnus*.

I therefore urge and conjure your lordships, immediately to adopt this conciliating measure. I will pledge myself for its immediately producing conciliatory effects, by its being thus well-timed: but if you delay till your vain hope shall be accomplished, of triumphantly dictating reconciliation, you delay for ever. But, admitting that this hope, which in truth is desperate, should be accomplished, what do you gain by the imposition of your victorious amity?—you will be untrusted and unthanked. Adopt, then the grace, while you have the opportunity of reconciliation; or at least prepare the way. Allay the ferment prevailing in America, by removing the obnoxious hostile cause—obnoxious and unserviceable; for their merit can be only inaction: “*Non dimicare et vincere*,”—their victory can never be by exertions. Their force would be most disproportionately exerted against a brave, generous, and united people, with arms in their hands, and courage in their hearts:—three millions of people, the genuine descendants of a valiant and pious ancestry, driven to those deserts by the narrow maxims of a superstitious tyranny.—And is the spirit of persecution never to be appeased? Are the brave sons of those brave forefathers to inherit their sufferings, as they have inherited their virtues? Are they to sustain the infliction of the most oppressive and unexampled severity, beyond the ac-

counts of history, or description of poetry: "*Rhadamanthus habet durissima regna, castigatque AUDI-QUE.*" So says the wisest poet, and perhaps the wisest statesman and politician.—But our ministers say, *the Americans must not be heard.* They have been condemned *unheard.*—The indiscriminate hand of vengeance has lumped together innocent and guilty; with all the formalities of hostility, has blocked up the town* and reduced to beggary and famine thirty thousand inhabitants.

But his majesty is advised, that the union in America cannot last. Ministers have more eyes than I, and should have more ears; but with all the information I have been able to procure, I can pronounce it—a union, solid, permanent, and effectual. Ministers may satisfy themselves, and delude the publick, with the report of what they call commercial bodies in America. They are *not* commercial; they are your packers and factors; they live upon nothing—for I call commission nothing. I mean the ministerial authority for this American intelligence; the runners for government, who are paid for their intelligence. But these are not the men, nor this the influence, to be considered in America, when we estimate the firmness of their union. Even to extend the question, and to take in the really mercantile circle, will be totally inadequate to the consideration. Trade indeed increases the wealth and glory of a country; but its real strength and stamina are to be looked for among the cultivators of the land. In their simplicity of life is found the simpleness of virtue—the integrity and courage of freedom. These true genuine sons of the earth are invincible: and they surround and hem in the mercantile bodies; even if these bodies, which supposition I totally disclaim, could be supposed disaffected to the cause of liberty. Of this general spirit existing in the British nation; (for so I wish to distinguish the real and genuine Americans

* Boston.

from the pseudo-traders I have described)—of this spirit of independence, animating the *nation* of America, I have the most authentick information. It is not new among them ; it is, and has ever been, their established principle, their confirmed persuasion : it is their nature, and their doctrine.

I remember some years ago, when the repeal of the stamp act was in agitation, conversing in a friendly confidence with a person of undoubted respect and authenticity, on that subject ; and he assured me with a certainty which his judgment and opportunity gave him, that these were the prevalent and steady principles of America—That you might destroy their towns, and cut them off from the superfluities, perhaps the conveniences of life ; but that they were prepared to despise your power, and would not lament their loss, whilst they have—what, my lords ?—their *woods* and their *liberty*. The name of my authority, if I am called upon, will authenticate the opinion irrefragably.*

If illegal violences have been, as it is said, committed in America ; prepare the way, open the door of possibility, for acknowledgment and satisfaction : but proceed not to such coercion, such proscription ; cease your indiscriminate inflictions ; amerce not thirty thousand ; oppress not three millions, for the fault of forty or fifty individuals. Such severity of injustice must for ever render incurable the wounds you have already given your colonies ; you irritate them to unappeasable rancour. What though you march from town to town, and from province to province ; though you should be able to enforce a temporary and local submission, which I only suppose, not admit—how shall you be able to secure the obedience of the country you leave behind you in your progress, to grasp the dominion of eighteen hundred miles of continent, populous in numbers, possessing valour, liberty, and resistance ?

* It was Dr. Franklin.

This resistance to your arbitrary system of taxation might have been foreseen: it was obvious from the nature of things, and of mankind; and above all, from the whiggish spirit flourishing in that country. The spirit which now resists your taxation in America, is the same which formerly opposed loans, benevolences, and ship-money, in England: the same spirit which called all England *on its legs*, and by the bill of rights vindicated the English constitution: the same spirit which established the great, fundamental, essential maxim of your liberties, *that no subject of England shall be taxed but by his own consent*.

This glorious spirit of whiggism animates three millions in America; who prefer poverty with liberty, to gilded chains and sordid affluence; and who will die in defence of their rights as men, as freemen. What shall oppose this spirit, aided by the congenial flame glowing in the breast of every whig in England, to the amount, I hope, of double the American numbers? Ireland they have to a man. In that country, joined as it is with the cause of colonies, and placed at their head, the distinction I contend for is and must be observed. This country superintends and controls their trade and navigation; but they *tax themselves*. And this distinction between external and internal control is sacred and insurmountable; it is involved in the abstract nature of things. Property is private, individual, absolute. Trade is an extended and complicated consideration: it reaches as far as ships can sail, or winds can blow: it is a great and various machine. To regulate the numberless movements of its several parts, and combine them into effect, for the good of the whole, requires the superintending wisdom and energy of the supreme power in the empire. But this supreme power has no effect towards internal taxation; for it does not exist in that relation; there is no such thing, no such idea in this constitution, as a supreme power operating upon property. Let this distinction then remain for ever ascertained; taxation is theirs, commercial

regulation is ours. As an American I would recognise to England her supreme right of regulating commerce and navigation: as an Englishman by birth and principle, I recognise to the Americans their supreme, unalienable right in their property; a right which they are justified in the defence of to the last extremity. To maintain this principle is the common cause of the whigs on the other side of the Atlantick, and on this. "'Tis liberty to liberty engaged," that they will defend themselves, their families, and their country. In this great cause they are immovably allied: it is the alliance of God and nature—immutable, eternal—fixed as the firmament of heaven.

To such united force, what force shall be opposed?—What, my lords?—A few regiments in America, and seventeen or eighteen thousand men at home! The idea is too ridiculous to take up a moment of your lordships' time. Nor can such a national and principled union be resisted by the tricks of office, or ministerial manœuvre. Laying of papers on your table, or counting numbers on a division, will not avert or postpone the hour of danger. It must arrive, my lords, unless these fatal acts are done away; it must arrive in all its horrors, and then these boastful ministers, spite of all their confidence, and all their manœuvres, shall be forced to hide their heads. They shall be forced to a disgraceful abandonment of their present measures and principles, which they avow, but cannot defend; measures which they presume to attempt, but cannot hope to effectuate. They cannot, my lords, they cannot stir a step; they have not a move left; they are *check mated*.

But it is not repealing this act of parliament, it is not repealing a piece of parchment, that can restore America to our bosom. You must repeal her fears and her resentments; and you may then hope for her love and gratitude. But now, insulted with an armed force posted at Boston, irritated with a hostile array before her eyes, her concessions, if you *could* force them, would be suspicious and insecure; they

will be *irato animo*; they will not be the sound honourable passions of freemen, they will be the dictates of fear, and extortions of force. But it is more than evident, that you cannot force them, united as they are, to your unworthy terms of submission—it is impossible. And when I hear general Gage censured for inactivity, I must retort with indignation on those whose intemperate measures and improvident councils have betrayed him into his present situation. His situation reminds me, my lords, of the answer of a French general in the civil wars of France—Monsieur *Condé* opposed to Monsieur *Turenne*. He was asked, how it happened that he did not take his adversary prisoner, as he was often very near him: “J’ai peur,” replied *Condé*, very honestly, “J’ai peur qu’il ne me prenne;”—*I’m afraid he’ll take me.*

When your lordships look at the papers transmitted us from America; when you consider their decency, firmness, and wisdom, you cannot but respect their cause and wish to make it your own. For myself, I must declare and avow, that in all my reading and observation—and it has been my favourite study—I have read Thucydides and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation, or body of men, can stand in preference to the general congress at Philadelphia. I trust it is obvious to your lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal. We shall be forced ultimately to retract; let us retract while we can, not when we must. I say we must necessarily undo these violent oppressive acts; they must be repealed—you will repeal them; I pledge myself for it, that you will in the end repeal them; I stake my reputation on it—I will consent to be taken for an idiot, if they are not finally repealed. Avoid, then, this humiliating, disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord,

to peace, and happiness; for that is your true dignity, to act with prudence and justice. That *you* should first concede, is obvious, from sound and rational policy. Concession comes with better grace and more salutary effect from superiour power. It reconciles superiority of power with the feelings of men, and establishes solid confidence on the foundations of affection and gratitude.

So thought a wise poet and a wise man in political sagacity; the friend of Mécænas, and the eulogist of Augustus. To him, the adopted son and successour of the first Cesar, to him, the master of the world, he wisely urged this conduct of prudence and dignity; "*Tuque prior, tu parce; projice tela manu.*"

Every motive, therefore, of justice and of policy, of dignity and of prudence, urges you to allay the ferment in America, by a removal of your troops from Boston, by a repeal of your acts of parliament, and by demonstration of amicable dispositions towards your colonies. On the other hand, every danger and every hazard impend, to deter you from perseverance in your present ruinous measures. Foreign war hanging over your heads by a slight and brittle thread. France and Spain watching your conduct, and waiting for the maturity of your errors; with a vigilant eye to America, and the temper of your colonies, more than to their own concerns, be they what they may.

To conclude, my lords, if the ministers thus persevere in misadvising and misleading the king, I will not say, that they can alienate the affections of his subjects from his crown; but I will affirm, *that they will make the crown not worth his wearing.* I will not say that the king is betrayed; but I will pronounce, *that the kingdom is undone.*

LORD MANSFIELD'S SPEECH,

IN THE HOUSE OF LORDS, FEBRUARY THE THIRD, 1766, ON
THE RIGHT OF TAXING AMERICA.

THE Rockingham administration were scarcely established in office, when the disturbances excited throughout the American dependencies, by the passage of the stamp act at the preceding session, were pressed on their attention. Discussions warm, animated, and frequent, arose immediately after the meeting of parliament, between the late and present ministry upon the difficult question of the right, as well as the expediency of taxing the colonies.

In one of these debates the earl of Mansfield delivered his sentiments on the right of taxation separated entirely from the consideration of expediency. This speech we are authorized to state, was carefully corrected for the press by his lordship, and is therefore a genuine specimen of his eloquence. We are led to preserve it not less on that account, than as containing the most plausible and argumentative defence of the side of the question it adopts, that it has ever received.

The ministry, it is known, pursued a middle course, expecting by it to be able to heal the wounded pride of the Americans, while they maintained the supremacy of the mother country. They repealed the *obnoxious bill*, but at the same time passed a *declaratory act*, asserting the right and power of Great

Britain to bind the colonies in all cases whatever. Their fine wrought project of conciliation succeeded for a few years. The colonists then discovered that though relieved of the *actual burthen of taxation*, the *abstract right* continued with the parent state, and from an apprehension of a future practical assertion of it became exceedingly discontented, till finally, the assembly of Massachussetts by a formal resolution voted the *declaratory act* to be a *grievance*. This measure of the colonial legislature may be considered as among the primary links of the chain of events which terminated in the disunion of the British empire.

SPEECH, &c.

MY LORDS,

I SHALL speak to the question strictly as a matter of right; for, it is a proposition in its nature so perfectly distinct from the expediency of the tax, that it must necessarily be taken separate, if there is any true logick in the world; but of the expediency or in expediency I will say nothing. It will be time enough to speak upon that subject when it comes to be a question.

I shall also speak to the distinctions which have been taken, without any real difference, as to the nature of the tax; and I shall point out lastly the necessity there will be of exerting the force of the superior authority of government, if opposed by the subordinate part of it.

I am extremely sorry that the question has ever become necessary to be agitated, and that there should be a decision upon it. No one in this house will live long enough to see an end put to the mischief which will be the result of the doctrine which has been inculcated: but the arrow is shot, and the wound already given. I shall certainly avoid personal reflections: no one has had more cast upon him than myself; but I never was biassed by any consideration of applause from without, in the discharge of my publick duty;

and, in giving my sentiments according to what I thought law, I have relied upon my own consciousness. It is with great pleasure I have heard the noble lord, who moved for the resolution, express himself in so manly and sensible a way, when he recommended a dispassionate debate, while, at the same time, he urged the necessity of the house coming to such a resolution with great dignity and propriety of argument.

I shall endeavour to clear away from the question all that mass of dissertation and learning displayed in arguments which have been fetched from speculative men who have written upon the subject of government, or from ancient records, as being little to the purpose. I shall insist that these records are no proofs of our present constitution. A noble lord has taken up his argument from the settlement of the constitution at the revolution: I shall take up my argument from the constitution as it now is. The constitution of this country has been always in a moving state, either gaining or losing something: and with respect to the modes of taxation, when we get beyond the reign of Edward the First, or of king John, we are all in doubt and obscurity. The history of those times is full of uncertainties. In regard to the ~~whits~~ upon record, they were issued some of them according to law, and some not according to law; and such were those concerning ship money, to call assemblies to tax themselves, or to compel benevolences. Other taxes were raised from escuage, fees for knights service, and by other means arising out of the feudal system. Benevolences are contrary to law; and it is well known how people resisted the demands of the crown in the case of ship money, and were persecuted by the court; and, if any set of men were to meet now to lend the king money, it would be contrary to law, and a breach of the rights of parliament. I shall answer the noble lord particularly upon the cases he has quoted.

With respect to the Marches of Wales, who were the borderers, privileged for assisting the king in his

war against the Welsh in the mountains, their enjoying this privilege of taxing themselves was but of a short duration, and during the life of Edward the First, till the prince of Wales came to be the king; and then they were annexed to the crown, and became subject to taxes like the rest of the dominions of England, and from thence came the custom, though unnecessary, of naming Wales and the town of Monmouth in all proclamations and in acts of parliament. Henry the Eighth was the first who issued writs for it to return two members to parliament. The crown exercised this right *ad libitum*, from whence arises the inequality of representation in our constitution at this day. Henry VIII. issued a writ to Calais to send one burghess to parliament. One of the counties Palatine (I think he said Durham) was taxed fifty years to subsidies before it sent members to parliament. The clergy were at no time unrepresented in parliament. When they taxed themselves, it was done with the concurrence and consent of parliament, who permitted them to tax themselves upon their petition, the convocation sitting at the same time with the parliament: they had too their representatives always sitting in this house, bishops and abbots; and in the other house they were at no time without a right of voting singly for the election of members; so that the argument, fetched from the case of the clergy, is not an argument of any force, because they were at no time unrepresented here.

The reasoning about the colonies of Great Britain, drawn from the colonies of antiquity, is a mere useless display of learning; for, the colonies of the Tyrians in Africa, and of the Greeks in Asia, were totally different from our system. No nation before ourselves formed any regular system of colonization; but the Romans, and their system was a military one, and of garrisons placed in the principal towns of the conquered provinces. The states of Holland were not colonies of Spain; but they were states dependent upon the house of Austria in a feudal dependance. Nothing could be more different from our colonies

than that flock of men, as they have been called, who came from the North, and poured into Europe. These emigrants renounced all laws, all protection, all connexion with their mother countries: they chose their leaders, and marched under their banners to seek their fortunes and establish new kingdoms upon the ruins of the Roman empire; whereas our colonies, on the contrary, emigrated under the sanction of the crown and parliament. They were modelled gradually into their present forms, respectively, by charters, grants, and statutes; but they were never separated from the mother country, or so emancipated as to become *sui juris*. There are several sorts of colonies in British America. The charter colonies, the proprietary governments, and the king's colonies. The first colonies were the charter colonies, such as the Virginia company; and these companies, had among their directors, members of the privy council and of both houses of parliament; they were under the authority of the privy council, and had agents resident here, responsible for their proceedings. So much were they considered as belonging to the crown and not to the king personally (for there is a great difference, though few people attend to it) that when the two houses, in the time of Charles the First, were going to pass a bill concerning the colonies, a message was sent to them by the king, that they were the king's colonies, and that the bill was unnecessary, for that the privy council would take order about them; and the bill never had the royal assent. The commonwealth parliament, as soon as it was settled, were very early jealous of the colonies separating themselves from them, and passed a resolution or act, and it is a question whether it is not in force now, to declare and establish the authority of England over its colonies. But if there was no express law, or reason, founded upon any necessary inference from an express law, yet the usage alone would be sufficient to support that authority: for, have not the colonies submitted ever since their first establishment to the jurisdiction of the mother country? In all questions of property

the appeals from the colonies have been to the privy council here, and such causes have been determined, not by the law of the colonies, but by the law of England. A very little while ago there was an appeal on a question of limitation in a devise of land with remainders; and, notwithstanding the intention of the testator appeared very clear, yet the case was determined contrary to it, and that the land should pass according to the law of England. The colonies have been obliged to recur very frequently to the jurisdiction here to settle the disputes among their own governments. I well remember several references of this head, when the late lord Hardwicke was attorney general, and sir Clement Wearg solicitor general. New Hampshire and Connecticut were in blood about their differences: Virginia and Maryland were in arms against each other. This shows the necessity of one superiour decisive jurisdiction, to which all subordinate jurisdictions may recur. Nothing, my lords, could be more fatal to the peace of the colonies at any time, than the parliament giving up its authority over them; for in such a case there must be an entire dissolution of government. Considering how the colonies are composed, it is easy to foresee there would be no end of feuds and factions among the several separate governments, when once there shall be no one government here or there of sufficient force or authority to decide their mutual differences; and, government being dissolved, nothing remains but that the colonies must either change their constitution, and take some new form of government, or fall under some foreign power. At present the several forms of their constitution are very various, having been produced, as all governments have been originally, by accident and circumstances. The forms of government in every colony were adapted, from time to time, according to the size of the colony; and so have been extended again, from time to time, as the numbers of their inhabitants and their commercial connexions outgrew the first model. In some colonies, at first there was only a governour assisted by two or three counsel; then more were added, afterwards

courts of justice were erected, then assemblies were created. Some things were done by instructions from the secretaries of state, other things were done by order of the king and council, and other things by commissions under the great seal. It is observable, that in consequence of these establishments from time to time, and of the dependency of these governments upon the supreme legislature at home, the lenity of each government in the colonies has been extreme towards the subject; and a very great inducement it has been to people to come and settle in them. But, if all those governments which are now independent of each other should become independent of the mother country, I am afraid that the inhabitants of the colonies are very little aware of the consequences. They would feel in that case very soon the hand of power more heavy upon them in their own governments than they have yet done, or have ever imagined.

The constitutions of the different colonies are made up of the different principles, and must remain dependent, from the necessity of things, and their relations upon the jurisdiction of the mother country; or they must be totally dismembered from it, and form a league of union among themselves against it, which could not be effected without great violences. No one ever thought the contrary, till the trumpet of sedition has been blown. Acts of parliament have been made, not only without a doubt of their legality, but with universal applause, the great object of which has been ultimately to fix the trade of the colonies, so as to center in the bosom of that country from whence they took their original. The navigation act shut up their intercourse with foreign countries. Their ports have been made subject to customs and regulations which have cramped and diminished their trade. And duties have been laid, affecting the very inmost parts of their commerce, and, among others, that of the post; yet all these have been submitted to peaceably, and no one ever thought till now of this doctrine, that the colonies are not to be taxed, regulated, or bound

by parliament. A few particular merchants were then, as now, displeased at restrictions which did not permit them to make the greatest possible advantages of their commerce in their own private and peculiar branches; but, though these few merchants might think themselves losers in articles which they had no right to gain, as being prejudicial to the general national system, yet I must observe, that the colonies, upon the whole, were benefited by these laws; because these restrictive laws, founded upon principles of the most solid policy, flung a great weight of naval force into the hands of the mother country, which was to protect its colonies, and without a union with which the colonies must have been entirely weak and defenceless, but which became relatively great, subordinate, and in proportion as the mother country advanced in superiority over the rest of the maritime powers in Europe, to which both mutually contributed, and of which both have reaped a benefit, equal to the natural and just relation in which they both stand reciprocally, of dependency on one side, and protection on the other.

- There can be no doubt, my lords, but that the inhabitants of the colonies are as much represented in parliament as the greatest part of the people of England are represented; among nine millions of whom there are eight which have no votes in electing members of parliament. Every objection, therefore to the dependency of the colonies upon parliament, which arises to it upon the ground of representation, goes to the whole present constitution of Great Britain; and I suppose it is not meant to new model that too. People may form speculative ideas of perfection, and indulge their own fancies or those of other men. Every man in this country has his particular notion of liberty; but perfection never did, and never can, exist in any human institution. To what purpose then are arguments drawn from a distinction, in which there is no real difference, of a virtual and actual representation? A member of parliament, chosen for any borough, represents not only the constituents and inha-

bitants of that particular place, but he represents the inhabitants of every other borough in Great Britain. He represents the city of London, and all other the commons of this land, and the inhabitants of all the colonies and dominions of Great Britain, and is, in duty and conscience, bound to take care of their interests.

I have mentioned the customs and the post tax. This leads me to answer another distinction, as false as the above; the distinction of internal and external taxes. The noble lord, who quoted so much law, and denied upon those grounds the right of the parliament of Great Britain to lay internal taxes upon the colonies, allowed at the same time that restrictions upon trade, and duties upon the ports, were legal. But I cannot see a real difference in this distinction; for I hold it to be true, that a tax laid in any place is like a pebble falling into, and making a circle in a lake, till one circle produces and gives motion to another, and the whole circumference is agitated from the centre; for, nothing can be more clear than that a tax of ten or twenty *per cent.* laid upon tobacco, either in the ports of Virginia or London, is a duty laid upon the inland plantations of Virginia, a hundred miles from the sea, wheresoever the tobacco grows.

I do not deny but that a tax may be laid injudiciously and injuriously, and that people in such a case may have a right to complain; but the nature of the tax is not now the question; whenever it comes to be one, I am for lenity. I would have no blood drawn. There is, I am satisfied, no occasion for any to be drawn. A little time and experience of the inconveniences and miseries of anarchy may bring people to their senses.

With respect to what has been said or written upon this subject, I differ from the noble lord, who spoke of Mr. Otis and his book with contempt, though he maintained the same doctrine in some points, although in others he carried it further than Otis himself; who allows every where the supremacy of the crown over the colonies. No man on such a subject is con-

temptible. Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the congress and general meeting from the respective governments. It was said, the man is mad. What then? One madman often makes many. *Masaniello* was mad. Nobody doubts it; yet, for all that, he overturned the government of Naples. Madness is catching in all popular assemblies, and upon all popular matters. The book is full of wildness. I never read it till a few days ago, for I seldom look in to such things. I never was actually acquainted with the contents of the Stamp Act, till I sent for it on purpose to read it before the debate was expected. With respect to authorities in *another house*, I know nothing of them. I believe that I have not been in that house more than once since I had the honour to be called up to this; and, if I did know any thing that passed in the other house, I could not and would not mention it as an authority here. I ought not to mention any such authority. I should think it beneath my own and your lordships' dignity to speak of it.

I am far from bearing any ill will to the Americans; they are a very good people, and I have long known them. I began life with them, and owe much to them, having been much concerned in the plantation causes, before the privy council, and so I became a good deal acquainted with American affairs and people. I dare say, their heat will soon be over, when they come to feel a little the consequences of their opposition to the legislature. Anarchy always cures itself; but the fermentation will continue so much the longer, while hot headed men there find that there are persons of weight and character to support and justify them here.

Indeed, if the disturbances should continue for a great length of time, force must be the consequence, an application adequate to the mischief, and arising out of the necessity of the case; for, force is only the difference between a superiour and subordinate jurisdiction. In the former, the whole force of the legislature resides collectively, and when it ceases to re-

side the whole connexion is dissolved. It will, indeed, be to very little purpose that we sit here enacting laws, and making resolutions, if the inferiour will not obey them, or if we neither can nor dare enforce them; for then, and then, I say, of necessity, the matter comes to the sword. If the offspring are grown too big and too resolute to obey the parent, you must try which is the strongest, and exert all the powers of the mother country to decide the contest.

I am satisfied, notwithstanding, that time and a wise and steady conduct may prevent those extremities which would be fatal to both. I remember well when it was the violent humour of the times to decry standing armies and garrisons, as dangerous and incompatible with the liberty of the subject. Nothing would do but a regular militia. The militia are embodied; they march, and, no sooner was the militia law thus put into execution, but it was then said to be an intolerable burthen upon the subject, and that it would fall, sooner or later, into the hands of the crown. That was the language, and many counties petitioned against it. This may be the case with the colonies. In many places they begin already to feel the effects of their resistance to government. Interest very soon divides mercantile people; and, although there may be some mad, enthusiastick, or ill designing people in the colonies, yet I am convinced that the greatest bulk, who have understanding and property, are still well affected to the mother country. You have, my lords, many friends still in the colonies; and take care that you do not, by abdicating your own authority, desert them and yourselves, and lose them for ever.

In all popular tumults the worst men bear the sway at first. Moderate and good men are often silent for fear or modesty; who, in due time, may declare themselves. Those who have any property to lose are sufficiently alarmed already at the progress of these publick violences and violations, to which every man's dwelling, person, and property, are hourly exposed. Numbers of such valuable men and good subjects are

ready and willing to declare themselves for the support of government in due time, if government does not fling away its own authority.

My lords, the parliament of Great Britain has its rights over the colonies; but it may abdicate its rights.

There was a thing which I forgot to mention. I mean, the manuscript quoted by the noble lord. He tells you, that it is there said, that, if the act concerning Ireland had passed, the parliament might have abdicated its rights as to Ireland. In the first place, I heartily wish, my lords, that Ireland had not been named at a time when that country is of a temper and in a situation so difficult to be governed; and when we have already here so much weight upon our hands, encumbered with the extensiveness, variety, and importance, of so many objects in a vast and too busy empire; and the national system shattered and exhausted by a long, bloody, and expensive war, but more so by our divisions at home, and a fluctuation of councils. I wish Ireland therefore had never been named.

I pay as much respect as any man to the memory of lord chief justice Hale; but I did not know that he had ever written upon the subject; and I differ very much from thinking with the noble lord, that this manuscript ought to be published. So far am I from it, that I wish the manuscript had never been named; for, Ireland is too tender a subject to be touched. The case of Ireland is as different as possible from that of our colonies. Ireland was a conquered country; it had its *pacta conventa*, and its *regalia*. But to what purpose is it to mention the manuscript? It is but the opinion of one man. When it was written, or for what particular object it was written, does not appear. It might possibly be only a work of youth, or an exercise of the understanding, in sounding and trying a question problematically. All people, when they first enter professions, make their collections pretty early in life; and the manuscript may be of that sort. However, be it what it may, the opinion

is but problematical ; for, the act to which the writer refers never passed, and lord Hale only said, that, if it had passed, the parliament might have abdicated their right.

But, my lords, I shall make this application of it. You may abdicate your right over the colonies. Take care, my lords, how you do so ; for, such an act will be irrevocable. Proceed, then, my lords, with spirit and firmness ; and, when you shall have established your authority, it will then be a time to show your lenity. The Americans, as I said before, are a very good people, and I wish them exceedingly well ; but they are heated and inflamed. The noble lord who spoke before ended with a prayer. I cannot end better than by saying to it, Amen ; and in the words of Maurice Prince of Orange concerning the Hollanders, "*God bless this industrious, frugal, and well meaning, but easily deluded people.*"

THE SPEECH OF WILLIAM PITT, THE ELDER,

IN THE HOUSE OF COMMONS, JANUARY 16, 1766, ON THE ADDRESS TO THE THRONE, IN WHICH THE RIGHT OF TAXING AMERICA IS DISCUSSED.

IN the preceding speech of Earl Mansfield, we have seen the right of taxing the colonies maintained with all the cogency of reasoning, and dexterity of argument, which he eminently possessed. To exhibit a view of the grounds taken on the opposite side, and the manner of their defence, we introduce a speech of the elder Pitt, delivered in the debate on the usual address to the throne, at the opening of parliament.

We have remarked, in another place, that prior to the year 1770, no authentick example of Mr. Pitt's eloquence had been preserved. The discovery of the present speech persuades us that we were, at least as relates to it, deceived. There can be little doubt of its genuineness. The peculiarities of his style are conspicuously displayed in it. We have, moreover, learnt from a source in which we can confide, that it was reported by the Earl of Charlemont, an accomplished scholar, and an adroit stenographer, that he might communicate to the people of Ireland, who were deeply interested in the subject, the sentiments of Mr. Pitt, on the right of taxing America.

It was in this memorable debate that Edmund Burke, for the first time, spoke in parliament. His speech was complimented by Earl Chatham in terms peculiarly grateful to the ambition of a young man. After descanting on its general merits, he with perfect

truth observed, "that, Mr. Burke was the only person since the age of Cicero, who has united the talent of speaking and writing with irresistible force and elegance."

SPEECH, &c.

MR. SPEAKER,

I CAME to town but to day. I was a stranger to the tenour of his majesty's speech, and the proposed address, till I heard them read in this house. Unconnected and unconsulted I have not the means of information. I am fearful of offending through mistake, and therefore beg to be indulged with a second reading of the proposed address.* I commend the king's speech, and approve of the address in answer; as it decides nothing, every gentleman being left at perfect liberty to take such a part concerning America, as he might afterwards see fit. One word only I cannot approve of, an *early*, is a word that does not belong to the notice the ministry have given to parliament of the troubles in America. In a matter of such importance, the communication ought to have been immediate. I speak not with respect to parties. I stand up in this place single and independent. As to the late ministry,† every capital measure they have taken, has been entirely wrong!

As to the present gentlemen, to those at least whom I have in my eye,‡ I have no objection. I have never been made a sacrifice by any of them. Their characters are fair; and I am always glad when men of fair character engage in his majesty's service. Some of them did me the honour to ask my opinion before they would engage. These will now do me the justice to own, I advised them to do it; but, notwithstanding, to be explicit, I cannot give them

* The address being read, Mr. Pitt went on.

† Turning himself to Mr. Grenville, who sat within one of him.

‡ Looking at the bench where Mr. Conway sat with the lords of the treasury.

my confidence. Pardon me, gentlemen,* confidence is a plant of slow growth in an aged bosom. Youth is the season of credulity. By comparing events with each other, reasoning from effects to causes, methinks I plainly discover the traces of an overruling influence.

There is a clause in the act of settlement to oblige every minister to sign his name to the advice which he gives to his sovereign. Would it were observed!—I have had the honour to serve the crown, and if I could have submitted to influence, I might have still continued to serve: but I would not be responsible for others. I have no local attachments. It is indifferent to me whether a man was rocked in his cradle on this side or that side of the Tweed. I sought for merit wherever it was to be found. It is my boast, that I was the first minister who looked for it, and I found it in the mountains of the North. I called it forth, and drew it into your service, a hardy and intrepid race of men! men, who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the state in the war before the last. These men, in the last war, were brought to combat on your side; they served with fidelity, as they fought with valour, and conquered for you in every part of the world. Detested be the national reflections against them! They are unjust, groundless, illiberal, unmanly. When I ceased to serve his majesty as a minister, it was not the *country* of the man by which I was moved,—but *the man* of that country wanted *wisdom*, and held principles incompatible with *freedom*.†

It is a long time, Mr. Speaker, since I have attended in parliament. When the resolution was taken in this house to tax America, I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor, to have born my

* Bowing to the ministry.

† Alluding to Lord Bute.

testimony against it! It is now an act that has passed. I would speak with decency of every act of this house; but I must beg the indulgence of the house to speak of it with freedom.

I hope a day may be soon appointed to consider the state of the nation with respect to America. I hope gentlemen will come to this debate with all the temper and impartiality that his majesty recommends and the importance of the subject requires. A subject of greater importance than ever engaged the attention of this house! that subject only excepted, when, near a century ago, it was the question, whether you yourselves were to be bound or free. In the mean time, as I cannot depend upon my health for any future day, such is the nature of my infirmities, I will beg to say a few words at present, leaving the justice, the equity, the policy, the expediency of the act, to another time. I will only speak to one point, a point which seems not to have been generally understood. I mean to the right. Some gentlemen seem to have considered it as a point of honour. If gentlemen consider it in that light, they leave all measures of right and wrong, to follow a delusion that may lead to destruction. It is my opinion, that this kingdom has no right to lay a tax upon the colonies. At the same time, I assert the authority of this kingdom over the colonies, to be sovereign and supreme, in every circumstance of government and legislation whatsoever. They are the subjects of this kingdom, equally entitled with yourselves to all the natural rights of mankind and the peculiar privileges of Englishmen. Equally bound by its laws, and equally participating of the constitution of this free country. The Americans are the sons, not the bastards of England. Taxation is no part of the governing or legislative power.—The taxes are a voluntary gift and grant of the commons alone. In legislation the three estates of the realm are alike concerned, but the concurrence of the peers and the crown to a tax, is only necessary to close with the form of a law. The gift and grant is of the commons alone. In ancient days, the crown, the barons, and

the clergy, possessed the lands. In those days, the barons and the clergy gave and granted to the crown. They gave and granted what was their own. At present, since the discovery of America, and other circumstances permitting, the commons are become the proprietors of the land. The church, God bless it, has but a pittance. The property of the lords, compared with that of the commons, is as a drop of water in the ocean; and this house represents those commons, the proprietors of the lands; and those proprietors virtually represent the rest of the inhabitants. When, therefore, in this house we give and grant, we give and grant what is our own. But in an American tax, what do we do? We your majesty's commons for Great Britain give and grant to your majesty, what? Our own property? No. We give and grant to your majesty, the property of your majesty's commons of America. It is an absurdity in terms.

The distinction between legislation and taxation is essentially necessary to liberty. The crown, the peers, are equally legislative powers with the commons. If taxation be a part of simple legislation, the crown, the peers have rights in taxation as well as yourselves; rights which they will claim, which they will exercise, whenever the principle can be supported by power.

There is an idea in some, that the colonies are virtually represented in the house. I would fain know by whom an American is represented here? Is he represented by any knight of the shire, in any county in this kingdom? *Would to God that respectable representation was augmented to a greater number!* Or will you tell him that he is represented by any representative of a borough—a borough which, perhaps, its own representatives never saw. This is what is called *the rotten part of the constitution*. It cannot continue a century. If it does not drop, it must be amputated. The idea of a virtual representation of America in this house is the most contemptible idea that ever entered into the head of a man. It does not deserve a serious refutation.

The commons of America, represented in their several assemblies, have ever been in possession of the exercise of this, their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it. At the same time, this kingdom, as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures in every thing, except that of taking their money out of their pockets without their consent.

Here I would draw the line,

Quam ultra citraque neque consistere rectum.

AS soon as lord Chatham concluded, General Conway arose, and succinctly avowed his entire approbation of that part of his lordship's speech which related to American affairs; but disclaimed altogether that "*secret overruling influence which had been hinted at.*" Mr. George Grenville who followed in the debate, expatiated at large on the tumults and riots which had taken place in the colonies, and declared, that they bordered on rebellion. He condemned the language and sentiments which he had heard as encouraging a *revolution*. A portion of his speech is here inserted, as explanatory of the replication of Lord Chatham.

"I cannot, said Mr. Grenville, understand the difference between external and internal taxes. They are the same in effect, and differ only in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power. It is one branch of the legislation. It is, it has been, exercised, over those who are not, who were never represented. It is exercised over the India company, the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the county palatine of Chester, and the

bishoprick of Durham, before they sent any representatives to parliament. I appeal for proof to the preambles of the acts which gave them representatives; one in the reign of Henry VIII, the other in that of Charles II. Mr. Grenville then quoted the acts, and desired that they might be read; which being done, he said: 'When I proposed to tax America, I asked the house if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If not, tell me when the Americans were emancipated? When they want the protection of this kingdom, they are always very ready to ask it. That protection has always been afforded them in the most full and ample manner. The nation has run herself into an immense debt to give them their protection; and now they are called upon to contribute a small share towards the publick expense, an expense arising from themselves; they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes its birth to the factions in this house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told we trod on tender ground. We were bid to expect disobedience. What was this but telling the Americans to stand out against the law, to encourage their obstinacy with the expectation of support from hence? Let us only hold out a little; they would say, our friends will soon be in power. Ungrateful people of America! Bounties have been extended to them. When I had the honour of serving the crown, while you yourselves were loaded with an enormous debt, you have given bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed in their favour, the act of navigation, that palladium of the British commerce; and yet I have been abused in all the publick papers as an enemy to the trade of America. I have been particularly charged

with giving orders and instructions to prevent the Spanish trade, and thereby stopping the channel, by which alone North America used to be supplied with cash for remittances to this country. I defy any man to produce any such orders or instructions. I discouraged no trade but what was illicit, what was prohibited by an act of parliament. I desire a West-India merchant, well known in the city,* a gentleman of character, may be examined. He will tell you, that I offered to do every thing in my power to advance the trade of America. I was above giving an answer to anonymous calumnies; but in this place, it becomes one to wipe off the aspersion."

Here Mr. Greenville ceased. Several members got up to speak, but Mr. Pitt seeming to rise, the house was so clamorous for *Mr. Pitt! Mr. Pitt!* that the speaker was obliged to call to order.

Mr. Pitt said, I do not apprehend I am speaking twice. I did expressly reserve a part of my subject, in order to save the time of this house; but I am compelled to proceed in it. I do not speak twice; I only finish what I designedly left imperfect. But if the house is of a different opinion, far be it from me to indulge a wish of transgression against order. I am content, if it be your pleasure, to be silent."—Here he paused—The house resounding with *Go on! go on!* he proceeded:

"Gentlemen, sir,† have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this house imputed as a crime. But the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it might have profited. He ought to have desisted from his project. The gentleman tells us, America is obstinate; America is almost in open rebellion. I rejoice

* Mr. Long.

† To the Speaker.

that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. I come not here armed at all points, with law cases and acts of parliament, with the statute book doubled down in dog's ears, to defend the cause of liberty: if I had, I myself would have cited the two cases of Chester and Durham. I would have cited them, to have shown that, even under former arbitrary reigns, parliaments were ashamed of taxing a people without their consent; and allowed them representatives. Why did the gentleman confine himself to Chester and Durham? He might have taken a higher example in Wales; Wales that never was taxed by parliament till it was incorporated. I would not debate a particular point of law with the gentleman. I know his abilities. I have been obliged to his diligent researches. But, for the defence of liberty, upon a general principle, upon a constitutional principle, it is a ground on which I stand firm; on which I dare meet any man. The gentleman tells us of many who are taxed, and are not represented.—The India company, merchants, stockholders, manufacturers. Surely many of these are represented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more are not equally represented. But they are all inhabitants, and as such are they not virtually represented? Many have it in their option to be actually represented. They have connexions with those that elect, and they have influence over them. The gentleman mentioned the stockholders. I hope he does not reckon the debts of the nation as a part of the national estate. Since the accession of king William, many ministers, some of great, others of more moderate abilities, have taken the lead of government."

He then went through the list of them, bringing it down till he came to himself, giving a short sketch of the characters of each of them. None of these, he said, thought or ever dreamed of robbing the colonies of their constitutional rights. That was re-

served to mark the era of the late administration: not that there were wanting some, when I had the honour to serve his majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition; but it would have been taking an ungenerous, an unjust advantage. The gentleman boasts of his bounties to America! Are not these bounties intended finally for the benefit of this kingdom? If they are not, he has misapplied the national treasures. I am no courtier of America. I stand up for this kingdom. I maintain that the parliament has a right to bind, to restrain America.

Our legislative power over the colonies is sovereign and supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, if he can, and embark for that country. When two countries are connected together like England and her colonies without being incorporated, the one must necessarily govern. The greater must rule the less; but so rule it, as not to contradict the fundamental principles that are common to both.

If the gentleman does not understand the difference between external and internal taxes, I cannot help it; but there is a plain distinction between taxes levied for the purposes of raising a revenue, and duties imposed for the regulation of trade, for the accommodation of the subject; although, in the consequences, some revenue might incidentally arise from the latter.

The gentleman asks, when were the colonies emancipated? But I desire to know, when were they made slaves? But I dwell not upon words. When I had the honour of serving his majesty, I availed myself of the means of information, which I derived from my office. I speak therefore from knowledge. My materials were good. I was at pains to collect, to digest, to consider them; and I will be bold to affirm, that the profits to Great Britain from the trade of the colonies, through all its branches, is two mil-

lions a year. This is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year, three score years ago, are at three thousand at present. Those estates sold then from fifteen to eighteen years purchase; the same may now be sold for thirty.

You owe this to America. This is the price America pays you for her protection. And shall a miserable financier come with a boast, that he can bring a pepper-corn into the exchequer, to the loss of millions to the nation! I dare not say, how much higher these profits may be augmented. Omitting the immense increase of people, by natural population, in the northern colonies, and the emigration from every part of Europe, I am convinced the commercial system of America may be altered to advantage. You have prohibited where you ought to have encouraged. You have encouraged where you ought to have prohibited. Improper restraints have been laid on the continent, in favour of the islands. You have but two nations to trade with in America. Would you had twenty! Let acts of parliament in consequence of treaties remain; but let not an English minister become a custom-house officer for Spain, or for any foreign power. Much is wrong. Much may be amended for the general good of the whole.

Does the gentleman complain he has been misrepresented in the publick prints? It is a common misfortune. In the Spanish affair of the last war, I was abused in all the newspapers, for having advised his majesty to violate the laws of nations with regard to Spain. The abuse was industriously circulated even in handbills. If administration did not propagate the abuse, administration never contradicted it. I will not say what advice I did give the king. My advice is in writing, signed by myself, in the possession of the crown. But I will say what advice I did not give to the king. I did not advise him to violate any of the laws of nations.

As to the report of the gentleman's preventing in some way the trade for bullion with the Spaniards, it was spoken of so confidently that I own I am one of those who did believe it to be true.

The gentleman must not wonder he was not contradicted, when, as the minister, he asserted the right of parliament to tax America. I know not how it is, but there is a modesty in this house which does not choose to contradict a minister. Even your chair, sir, looks too often towards St. James's. I wish gentlemen would get the better of this modesty. If they do not, perhaps the collective body may begin to abate of its respect for the representative. Lord Bacon has told me, that a great question would not fail of being agitated at one time or another. I was willing to agitate that at the proper season, the German war:—my German war, they called it. Every session I called out, Has any body any objection to the German war? Nobody would object to it, one gentleman only excepted, since removed to the upper house by succession to an ancient barony (meaning lord Le Despencer, formerly Sir Francis Dashwood.) He told me, "He did not like a German war." I honoured the man for it, and was sorry when he was turned out of his post. A great deal has been said without doors of the power, of the strength of America. It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valour of your troops. I know the skill of your officers. There is not a company of foot that has served in America out of which you may not pick a man of sufficient knowledge and experience to make a governor of a colony there. But on this ground, on the stamp act, which so many here will think a crying injustice, I am one who will lift up my hands against it.

In such a cause, your success would be hazardous. America, if she fell, would fall like the strong man; she would embrace the pillars of the state, and pull

down the constitution along with her. Is this your boasted peace—not to sheathe the sword in its scabbard, but to sheathe it in the bowels of your countrymen? Will you quarrel with yourselves, now the whole house of Bourbon is united against you, while France disturbs your fisheries in Newfoundland, embarrasses your slave trade to Africa, and withholds from your subjects in Canada their property stipulated by treaty; while the ransom for the Manillas is denied by Spain, and its gallant conqueror basely traduced into a mean plunderer! a gentleman (colonel Draper) whose noble and generous spirit would do honour to the proudest grandee of the country? The Americans have not acted in all things with prudence and temper; they have been wronged; they have been driven to madness, by injustice. Will you punish them for the madness you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America that she will follow the example. There are two lines in a ballad of Prior's, of a man's behaviour to his wife, so applicable to you and your colonies, that I cannot help repeating them:

“ Be to her faults a little blind;
“ Be to her virtues very kind.”

Upon the whole, I will beg leave to tell the house what is my opinion. It is, that the stamp act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent.

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THE SPEECH OF LORD MANSFIELD

IN THE HOUSE OF LORDS, IN THE CASE OF THE CHAMBERLAIN OF LONDON VS. ALLAN EVANS, ESQ. ON THE 4th OF FEBRUARY, 1767.

IN 1748, the corporation of London, by a *by-law*, imposed a fine of 600l. upon every person, who, being elected, should refuse to serve the office of sheriff. The plaintiff, the chamberlain of London, levied debt, in the sheriff's court against the defendant for the penalty. The defendant pleaded the 13 Car. 2. which declares that no person shall be elected to any office relating to the government of any city, "who shall not have received the sacrament according to the rites of the church of England, within one year next before such election;" and averred that he was a protestant dissenter within the Toleration Act, 1 & 2 W. & M. c. 18, of scrupulous conscience; and therefore had not received the sacrament. The plaintiff replied, the 5 G. 1. which confirms members of corporations in their respective offices, although they have not received the sacrament according to the directions of 13 C. 2. To this replication the defendant demurred, and judgment was thereupon given in favour of the city. Mr. Evans appealed to the court of Hustings, where the judgment was affirmed. A special commission was sued out, directed to Willis, C. J. Parker, C. B. and Foster, Bathurst, and Wilmot, justices, by whom, the judgments in the courts below were unanimously reversed. The city brought

a writ of error in parliament, and on the 4th of February 1767, lord Mansfield with five other judges, against Perrot, baron, were of opinion that the defendant should be allowed to object to the validity of his election to the office of sheriff, in bar to the action, because he had not taken the sacrament within the time limited by law*

On a motion in the house of lords, made February the 4th 1767, to take the opinion of the judges in this case, the earl of Mansfield delivered the subsequent speech, which we are informed, by the learned reporter of it,† was published with his lordship's *consent and approbation*.

It will be found to be an admirable model of judicial eloquence. The arrangement of it is peculiarly luminous. The arguments are solid. It displays much legal erudition, and has purity of diction, with sentiments liberal, and enlightened.

SPEECH, &c.

MY LORDS,

AS I made the motion for taking the opinion of the learned judges, and proposed the question your lordships have been pleased to put to them; it may be expected that I should make some further motion, in consequence of the opinions they have delivered.

In moving for the opinion of the judges, I had two views. The first was, that the house might have the benefit of their assistance, in forming a right judgment in this cause now before us, upon this writ of error. The next was, that, the question being fully discussed, the grounds of our judgment, together with their exceptions, limitations, and restrictions, might be clearly and certainly known, as a rule to be followed hereafter in all future cases of the like nature; and this determined me as to the manner of wording the question, "how far the defendant might, in the present case, be allowed to plead his disability in bar of the action brought against him?"

* Bac. Abrid.

† Dr. Philip Furneaux.

The question, thus worded, shows the point upon which your lordships thought this case turned; and the answer necessarily fixes a criterion, under what circumstances, and by what persons, such a disability may be pleaded as an exemption from the penalty inflicted by this by-law, upon those who decline taking upon them the office of sheriff.

In every view in which I have been able to consider this matter, I think this action cannot be supported.

If they rely on the Corporation act, by the literal and express provision of that act no person can be elected, who hath not within a year taken the sacrament in the church of England. The defendant hath not taken the sacrament within a year; he is not therefore elected. Here they fail.

If they ground it on the general design of the legislature in passing the Corporation act; the design was, to exclude dissenters from office, and disable them from serving. For, in those times, when a spirit of intolerance prevailed, and severe measures were pursued, the dissenters were reputed and treated as persons ill affected and dangerous to the government. The defendant, therefore, a dissenter, and in the eye of this law a person dangerous and ill affected, is excluded from office, and disabled from serving. Here they fail.

If they ground the action on their own by-law; since that by-law was professedly made to procure fit and able persons to serve the office, and the defendant is not fit and able, being expressly disabled by statute law. Here too they fail.

If they ground it on his disability, being owing to a neglect of taking the sacrament at church, when he ought to have done it, the Toleration act having freed the dissenters from all obligation to take the sacrament at church; the defendant is guilty of no neglect, no criminal neglect. Here, therefore, they fail.

These points, my lords, will appear clear and plain.

The Corporation act, pleaded by the defendant as rendering him ineligible to this office, and incapable

of taking it upon him, was most certainly intended by the legislature to prohibit the persons therein described being elected to any corporation offices, and to disable them from taking such offices upon them. The act had two parts: first, it appointed a commission for turning out all that were at that time in office, who would not comply with what was required as the condition of their continuance therein, and even gave a power to turn them out though they should comply; and then it further enacted, that, from the termination of that commission, no person hereafter, who had not taken the sacrament according to the rites of the church of England, within one year preceding the time of such election, should be placed, chosen, or elected, into any office of, or belonging to, the government of any corporation; and this was done, as it was expressly declared in the preamble to the act, in order to perpetuate the succession in corporations in the hands of persons well affected to government in church and state.

It was not their design, as hath been said, "to bring such persons into corporations by inducing them to take the sacrament in the church of England;" the legislature did not mean to tempt persons who were ill affected to the government occasionally to conform. It was not, I say, their design to bring them in; they could not trust them, lest they should use the power of their offices to distress and annoy the state. And the reason is alleged in the act itself. It was because there were "evil spirits" amongst them; and they were afraid of evil spirits, and determined to keep them out; and, therefore, they put it out of the power of electors to choose such persons, and out of their power to serve; and accordingly prescribed a mark, or character, laid down a description whereby they should be known and distinguished by their conduct previous to such election. Instead of appointing a condition of their serving the office, resulting from their future conduct, or some consequent action to be performed by them; they declared such persons incapable of being chosen as had not taken the sacra-

ment in the church within a year before such election ; and, without this mark of their affection to the church, they could not be in office, and there could be no election ; but as the law then stood, no man could have pleaded this disability, resulting from the Corporation act, in bar of such an action as is now brought against the defendant ; because this disability was owing to what was then, in the eye of the law, a crime ; every man being required by the canon law, received and confirmed by the statute law, to take the sacrament in the church at least once a year. The law would not permit a man to say, that he had not taken the sacrament in the church of England and he could not be allowed to plead it in bar of any action brought against him.

But the case is quite altered since the act of toleration. It is now no crime for a man, who is within the description of that act, to say he is a dissenter ; nor is it any crime for him not to take the sacrament according to the rites of the church of England ; nay, the crime is, if he does it contrary to the dictates of his conscience.

If it is a crime not to take the sacrament at church, it must be a crime by some law, which must be either common or statute law, the canon law enforcing it depending wholly upon the statute law. Now the statute law is repealed as to persons capable of pleading that they are so and so qualified ; and therefore the canon law is repealed with regard to those persons. If it is a crime by common law, it must be so either by usage or principle.

There is no usage or custom, independent of positive law, which makes nonconformity a crime.

The eternal principles of natural religion are part of the common law. The essential principles of revealed religion are part of the common law ; so that any person reviling, subverting, or ridiculing them, may be prosecuted at common law. But it cannot be shown, from the principles of natural or revealed religion, that, independent of positive law, temporal punish-

ments ought to be inflicted for mere opinions with respect to particular modes of worship.

Persecution for a sincere though erroneous conscience, is not to be deduced from reason or the fitness of things. It can only stand upon positive law.

It has been said, that "the Toleration act only amounts to an exemption of the Protestant Dissenters from the penalties of certain laws therein particularly mentioned, and to nothing more; that, if it had been intended to bear, and to have any operation upon the Corporation act, the Corporation Act ought to have been mentioned therein; and there ought to have been some enacting clause, exempting dissenters from prosecution in consequence of this act, and enabling them to plead their not having received the sacrament according to the rites of the church of England in bar of such action." But this is much too limited and narrow a conception of the Toleration act, which amounts consequentially to a great deal more than this; and it hath consequentially an inference and operation upon the Corporation act in particular. The toleration act renders that which was illegal before now legal. The dissenters' way of worship is permitted and allowed by this act; it is not only exempted from punishment, but rendered innocent and lawful; it is established; it is put under the protection, and is not merely under the connivance of the law. In case those who are appointed by law to register dissenting places of worship refuse on any pretence to do it, we must, upon application, send a mandamus to compel them.

Now there cannot be a plainer position, than that the law protects nothing in that very respect in which it is in the eye of the law at the same time a crime. Dissenters, within the description of the Toleration act, are restored to a legal consideration and capacity; and a hundred consequences will from thence follow which are not mentioned in the act. For instance, previous to the toleration act, it was unlawful to devise any legacy for the support of dissenting congregations, or for the benefit of dissenting ministers. For, the law knew no such assemblies,

and no such persons; and such a devise was absolutely void, being left to what the law called superstitious purposes. But will it be said in any court in England, that such a devise is not a good and valid one now? And yet there is nothing said of this in the toleration act. By this act the dissenters are freed not only from the pains and penalties of the laws therein particularly specified, but from all ecclesiastical censures, and from all penalty and punishment whatsoever, on account of their nonconformity; which is allowed and protected by this act, and is therefore in the eye of the law no longer a crime. Now, if the defendant may say he is a dissenter; if the law doth not stop his mouth; if he may declare that he hath not taken the sacrament according to the rites of the church of England, without being considered as criminal; if, I say, his mouth is not stopped by the law, he may then plead his not having taken the sacrament according to the rites of the church of England, in bar of this action. It is such a disability as doth not leave him liable to any action, or to any penalty whatsoever.

It is indeed said to be 'a maxim in law, that a man shall not be allowed to disable himself.' But, when this maxim is applied to the present case, it is laid down in too large a sense. When it is extended to comprehend a legal disability, it is taken in too great a latitude. What! shall not a man be allowed to plead, that he is not fit and able? These words are inserted in the by-law, as the ground of making it; and in the plaintiff's declaration, as the ground of his action against the defendant. It is alleged, that the defendant was fit and able, and that he refused to serve, not having a reasonable excuse. It is certain, and it is hereby in effect admitted, that if he is not fit and able, and that if he hath a reasonable excuse, he may plead it in bar of this action. Surely he might plead, that he was not worth 15,000*l.* provided that was really the case, as a circumstance that would render him not fit and able. And if the law allows him to say, that he hath not taken the sacrament ac-

according to the rites of the church of England, being within the description of the toleration act, he may plead that likewise to show that he is not fit and able. It is a reasonable, it is a lawful excuse.

My lords, the meaning of this maxim, 'that a man shall not disable himself,' is solely this: That a man shall not disable himself by his own wilful crime; and such a disability the law will not allow him to plead. If a man contracts to sell an estate to any person upon certain terms at such a time, and in the mean time he sells it to another, he shall not be allowed to say: 'Sir, I cannot fulfil my contract; it is out of my power; I have sold my estate to another.' Such a plea would be no bar to an action; because the act of his selling it to another is the very breach of contract. So likewise a man who hath promised marriage to one lady, and afterwards marries another, cannot plead in bar of a prosecution from the first lady that he is already married; because his marrying the second lady is the very breach of promise to the first. A man shall not be allowed to plead that he was drunk, in bar of a criminal prosecution, though perhaps he was at the time as incapable of the exercise of reason as if he had been insane; because his drunkenness was itself a crime. He shall not be allowed to excuse one crime by another. The Roman soldier, who cut off his thumbs, was not suffered to plead his disability for the service, to procure his dismissal with impunity; because his incapacity was designedly brought on him by his own wilful fault. And I am glad to observe so good an agreement among the judges upon this point, who have stated it with great precision and clearness.

When it was said, therefore, that "a man cannot plead his crime, in excuse for not doing what he is by law required to do," it only amounts to this, that he cannot plead in excuse what, when pleaded, is no excuse: but there is not in this the shadow of an objection to his pleading what is an excuse, pleading a legal disqualification. If he is nominated to be a justice of the peace, he may say, I cannot be a jus-

tice of the peace, for I have not a hundred pounds a year. In like manner a dissenter may plead, I have not qualified, and I cannot qualify, and am not obliged to qualify; and you have no right to fine me for not serving.

It hath been said, that "the king hath a right to the service of all his subjects." And this assertion is very true, provided it be properly qualified. For surely, against the operation of this general right in particular cases, a man may plead a natural or civil disability. May not a man plead, that he was upon the high seas? May not idiocy or lunacy be pleaded, which are natural disabilities; or a judgment of a court of law, and much more a judgment of parliament, which are civil disabilities?

It hath been said to be "a maxim that no man can plead his being a lunatick, to avoid a deed executed, or excuse an act done, at that time; because," it is said, "if he was a lunatick he could not remember any action he did during the period of his insanity;" and this was doctrine formerly laid down by some judges; but I am glad to find, that of late it hath been generally exploded; for, the reason assigned for it is, in my opinion, wholly insufficient to support it; because, though he could not remember what passed during his insanity, yet he might justly say, if he ever executed such a deed, or did such an action, it must have been during his confinement or lunacy; for he did not do it either before or since that time.

As to the case in which a man's plea of insanity was actually set aside, it was nothing more than this; it was when they pleaded *ore tenus*; the man pleaded, that he was at the time out of his senses. It was replied, How do you know that you were out of your senses? No man that is so knows himself to be so. And accordingly his plea was, upon this quibble, set aside; not because it was a valid one, if he was out of his senses; but because they concluded he was not out of his senses. If he had alleged, that he was at that time confined, being apprehended to be out of his senses; no advantage could have

been taken of his manner of expressing himself; and his plea must have been allowed to be good.

As to Larwood's case, he was not allowed the benefit of the toleration act, because he did not plead it. If he had insisted on his right to the benefit of it in his plea, the judgment must have been different.

His inserting it in his replication was not allowed, not because it was not an allegation that would have excused him, if it had been originally taken notice of in his plea, but because its being only mentioned afterwards was a departure from his plea.

In the case of the mayor of Guilford, the toleration act was pleaded. The plea was allowed good, the disability being esteemed a lawful one; and the judgment was right.

And here the defendant hath likewise insisted on his right to the benefit of the toleration act; in his plea saith he is *bona fide* a dissenter, within the description of the toleration act; that he hath taken the oaths, and subscribed the declaration, required by that act, to show that he is not a popish recusant; that he hath never received the sacrament according to the rites of the church of England, and that he cannot in conscience do it; and that for more than fifty years past he hath not been present at church at the celebration of the established worship, but hath constantly received the sacrament and attended divine service among the protestant dissenters; and these facts are not denied by the plaintiff, though they might easily have been traversed; and it was incumbent upon them to have done it, if they had not known they should certainly fail in it. There can be no doubt therefore that the defendant is a dissenter, an honest conscientious dissenter; and no conscientious dissenter can take the sacrament at church. The defendant saith he cannot do it, and he is not obliged to do it. And as this is the case, as the law allows him to say this, as it hath not stopped his mouth; the plea which he makes is a lawful plea, his disability being through no crime or fault of his own. I say, he is disabled by act of parliament, without the concurrence or in-

tervention of any fault or crime of his own; and therefore he may plead this disability in bar of the present action.

The case of "atheists and infidels" is out of the present question; and they come not within the description of the toleration act. And this is the sole point to be inquired into, in all cases of the like nature with that of the defendant, who here pleads the toleration act. Is the man *bona fide* a dissenter within the description of that act? If not, he cannot plead his disability in consequence of his not having taken the sacrament in the church of England. If he is, he may lawfully and with effect plead it in bar of such an action; and the question, on which this distinction is grounded, must be tried by a jury.

It hath been said, that "this being a matter between God and a man's own conscience, it cannot come under the cognizance of a jury;" but certainly it may, and, though God alone is the absolute judge of a man's religious profession and of his conscience, yet there are some marks even of sincerity, among which there is none more certain than consistency. Surely a man's sincerity may be judged of by overt acts. It is a just and excellent maxim, which will hold good in this as in all other cases, "by their fruits ye shall know them." Do they, I do not say go to meeting now and then, but do they frequent the meeting-house? Do they join generally and statedly in divine worship with dissenting congregations? Whether they do, or not, may be ascertained by their neighbours, and by those who frequent the same places of worship. In case a man hath occasionally conformed for the sake of places of trust and profit; in that case, I imagine, a jury would not hesitate in their verdict. If a man then alleges he is a dissenter, and claims the protection and the advantages of the toleration act, a jury may justly find that he is not a dissenter within the description of the toleration act, so far as to render his disability a lawful one. If he takes the sacrament for his interest, the jury may fairly conclude

that this scruple of conscience is a false pretence ~~was~~ set up to avoid a burthen.

The defendant in the present case pleads, that he is a dissenter within the description of the toleration act; that he hath not taken the sacrament in the church of England within one year preceding the time of his supposed election, nor ever in his whole life; and that he cannot in conscience do it.

Conscience is not controllable by human laws, nor amenable to human tribunals. Persecution, or attempts to force conscience, will never produce conviction, and are only calculated to make hypocrites or martyrs.

My lords, there never was a single instance, from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites or modes of worship, but upon some positive law. The common law of England, which is only common reason or usage, knows of no prosecution for mere opinions. For atheism, blasphemy, and reviling the Christian religion, there have been instances of persons prosecuted and punished upon the common law; but bare nonconformity is no sin by the common law; and all positive laws inflicting any pains or penalties for nonconformity to the established rites and modes, are repealed by the act of toleration; and dissenters are thereby exempted from all ecclesiastical censures.

What bloodshed and confusion have been occasioned, from the reign of Henry the fourth, when the first penal statutes were enacted, down to the revolution in this kingdom, by laws made to force conscience. There is nothing certainly more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitical, than persecution. It is against natural religion, revealed religion, and sound policy.

Sad experience, and a large mind, taught that great man, the President De Thou, this doctrine. Let any man read the many admirable things which

though a papist, he hath dared to advance upon the subject, in the dedication of his History to Harry the fourth of France, which I never read without rapture, and he will be fully convinced, not only how cruel, but how impolitick, it is to prosecute for religious opinions. I am sorry, that of late his countrymen have begun to open their eyes, see their error, and adopt his sentiments. I should not have broken my heart (I hope I may say without breach of Christian charity) if France had continued to cherish the Jesuits, and to persecute the Huguenots.

There was no occasion to revoke the edict of Nantz. The Jesuits needed only to have advised a plan similar to what is contended for in the present case; make a law to render them incapable of office; make another to punish them for not serving. If they accept, punish them (for, it is admitted on all hands, that the defendant, in the cause before your lordships is prosecutable for taking the office upon him.) If they accept, punish them; if they refuse, punish them; if they say yes, punish them; if they say no, punish them. My lords, this is a most exquisite dilemma, from which there is no escaping; it is a trap a man cannot get out of; it is as bad persecution as that of Procrustes. If they are too short, stretch them; if they are too long, lop them. Small would have been their consolation to have been gravely told, the edict of Nantz is kept inviolable; you have the full benefit of that act of toleration, you may take the sacrament in your own way with impunity; you are not compelled to go to mass. Was this case but told in the city of London, as of a proceeding in France, how would they exclaim against the jesuitical distinction? And yet in truth it comes from themselves. The Jesuits never thought of it. When they meant to persecute by their act of toleration, the edict of Nantz was repealed.

This by-law, by which the dissenters are to be reduced to this wretched dilemma, is a by-law of the city, a local corporation, contrary to an act of parliament, which is the law of the land, a modern by-law of a very modern date, made long since the Corpora-

tion act, long since the toleration act, in the face of them; for they knew these laws were in being. It was made in some year in the reign of the late king, I forget which; but it was made about the time of *building the mansion house*. Now, if it could be supposed the city have a power of making such a by-law, it would entirely subvert the toleration act, the design of which was to exempt the dissenters from all penalties; for by such a by-law they have it in their power to make every dissenter pay a fine of six hundred pounds, or any sum they please; for it amounts to that.

The professed design of making this by-law was to get fit and able persons to serve the office; and the plaintiff sets forth in his declaration, that, if the dissenters are excluded, they shall want fit and able persons to serve the office; but, were I to deliver my own suspicion, it would be, that they did not so much wish for their services as for their fines. Dissenters have been appointed to this office, one who was blind, another who was bed ridden; not, I suppose, on account of their being fit and able to serve the office. No: they were disabled both by nature and by law.

We had a case lately in the courts below of a person chosen mayor of a corporation while he was beyond the seas with his majesty's troops in America, and they knew him to be so. Did they want him to serve the office? No; it was impossible. But they had a mind to continue the former mayor a year longer, and to have a pretence for setting aside him who was now chosen, on all future occasions, as having been elected before.

In the cause before your lordships, the defendant was, by law, incapable at the time of his pretended election; and it is my firm persuasion, that he was chosen because he was incapable. If he had been capable, he had not been chosen; for they did not want him to serve the office. They chose him because, without a breach of the law, and a usurpation on the crown, he could not serve the office. They chose

him, that he might fall under the penalty of their by-law, made to serve a particular purpose ; in opposition to which, and to avoid the fine thereby imposed, he hath pleaded a legal disability, grounded on two acts of parliament. As I am of opinion that his plea is good, I conclude with moving your lordships, }

“ That the judgment be affirmed.”

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LORD MANSFIELD'S SPEECH,

IN THE HOUSE OF LORDS, MAY 8TH, 1770, ON A BILL TO
DEPRIVE PEERS OF THE REALM OF CERTAIN PRIVILEGES.

THIS speech has been very justly admired as among the most chaste, polished, and elegant productions of Lord Mansfield's eloquence. It was delivered in an animated discussion which took place on a bill introduced into the house of lords on the 8th of May, 1770, to annul the privilege which protected against legal process the servants and property of peers of the realm. The bill, so congenial with the spirit of English jurisprudence, whose greatest boast is the equal and exact distribution of justice, was finally passed,

SPEECH, &c.

MY LORDS,

WHEN I consider the importance of this bill to your lordships, I am not surprised it has taken so much of your consideration. It is a bill, indeed, of no common magnitude; it is no less than to take away from two thirds of the legislative body of this great kingdom certain privileges and immunities, of which they have been long possessed. Perhaps there is no situation that the human mind can be placed in, that is so difficult, and so trying, as where it is made a judge in its own cause. There is something implanted in the breast of man so attached to itself, so tenacious of privileges once obtained, that, in such a situation, either to discuss with impartiality, or decide with jus-

tice, has ever been held as the summit of all human virtue. The bill now in question puts your lordships in this very predicament; and I doubt not but the wisdom of your decision will convince the world, that, where self-interest and justice are in opposite scales, the latter will ever preponderate with your lordships.

Privileges have been granted to legislators in all ages and in all countries. The practice is founded in wisdom; and, indeed, it is peculiarly essential to the constitution of this country, that the members of both houses should be free in their persons in cases of civil suits. For, there may come a time when the safety and welfare of this whole empire may depend upon their attendance in parliament. God forbid that I should advise any measure that would in future endanger the state; but the bill before your lordships has, I am confident, no such tendency, for it expressly secures the persons of members of either house in all civil suits. This being the case, I confess, when I see many noble lords, for whose judgment I have the greatest respect, standing up to oppose a bill which is calculated merely to facilitate the recovery of just and legal debts, I am astonished and amazed. They, I doubt not, oppose the bill upon publick principles. I would not wish to insinuate that private interest has the least weight in their determination.

This bill has been frequently proposed, and as frequently miscarried; but it was always lost in the lower house. Little did I think, when it had passed the commons, that it possibly could have met with such opposition here. Shall it be said that you, my lords, the grand council of the nation, the highest judicial and legislative body of the realm, endeavour to evade by privilege, those very laws which you enforce on your fellow subjects? Forbid it justice. I am sure, were the noble lords as well acquainted as I am with but half the difficulties and delays that are every day occasioned in the courts of justice, under

pretence of privilege, they would not, nay, they could not, oppose this bill.

I have waited with patience to hear what arguments might be urged against the bill ; but I have waited in vain. The truth is, there is no argument that can weigh against it. The justice, and expediency, of this bill is such as renders it self evident. It is a proposition of that nature that can neither be weakened by argument, nor entangled with sophistry. Much, indeed, has been said by some noble lords on the wisdom of our ancestors, and how differently they thought from us. They not only decreed, that privilege should prevent all civil suits from proceeding during the sitting of parliament, but likewise granted protection to the very servants of members. I shall say nothing on the wisdom of our ancestors ; it might perhaps appear invidious, and is not necessary in the present case. I shall only say, that the noble lords that flatter themselves with the weight of that reflection, should remember, that, as circumstances alter, things themselves should alter. Formerly it was not so fashionable either for masters or servants to run in debt as it is at present ; nor formerly were merchants or manufacturers members of parliament, as at present. The case now is very different. Both merchants and manufacturers are, with great propriety, elected members of the lower house. Commerce having thus got into the legislative body of the kingdom, privilege must be done away. We all know that the very soul and essence of trade are regular payments : and sad experience teaches us, that there are men, who will not make their regular payments without the compulsive power of the laws. The law then ought to be equally open to all ; any exemption to particular men, or particular ranks of men, is, in a free commercial country, a solecism of the grossest nature. But I will not trouble your lordships with arguments for that which is sufficiently evident without any. I shall only say a few words to some noble lords, who foresee much inconveniency from the persons of their servants being liable to be

arrested. One noble lord observes, that the coachman of a peer may be arrested while he is driving his master to the house, and consequently he will not be able to attend his duty in parliament. If this was actually to happen, there are so many methods by which the member might still get to the house, I can hardly think the noble lord to be serious in his objection. Another noble lord said, that by this bill one might lose their most valuable and honest servants. This I hold to be a contradiction in terms: for he neither can be a valuable servant, nor an honest man, who gets into debt, which he neither is able nor willing to pay till compelled by law. If my servant, by unforeseen accidents, has got in debt, and I still wish to retain him, I certainly would pay the debt. But upon no principle of liberal legislation whatever, can my servant have a title to set his creditors at defiance; while, for forty shillings only, the honest tradesman may be torn from his family and locked up in gaol. It is monstrous injustice! I flatter myself, however, the determination of this day will entirely put an end to all such partial proceedings for the future, by passing into a law the bill now under your lordships' consideration.

I now come to speak upon what, indeed, I would have gladly avoided, had I not been particularly pointed at for the part I have taken in this bill. It has been said by a noble lord on my left hand, that I likewise am running the race of popularity. If the noble lord means, by popularity, that applause bestowed by after ages on good and virtuous actions, I have long been struggling in that race, to what purpose all-trying time can alone determine; but, if the noble lord means that mushroom popularity which is raised without merit, and lost without a crime, he is much mistaken in his opinion. I defy the noble lord to point out a single action in my life where the popularity of the times ever had the smallest influence on my determinations. I thank God I have a more permanent and steady rule for my conduct—the dictates of my own breast. Those that have foregone

that pleasing adviser, and given up their mind to be the slave of every popular impulse, I sincerely pity; I pity them still more, if their vanity leads them to mistake the shouts of a mob for the trumpet of their fame. Experience might inform them that many, who have been saluted with the huzzas of a crowd one day, have received their execrations the next; and many who, by the popularity of their times, have been held up as spotless patriots, have nevertheless appeared upon the historian's page, when truth has triumphed over delusion, the assassins of liberty.—Why, then, the noble lord can think I am ambitious of present popularity, that echo of folly and shadow of renown, I am at a loss to determine. Besides, I do not know that the bill now before your lordships will be popular; it depends much upon the caprice of the day. It may not be popular to compel people to pay their debts; and in that case the present must be an unpopular bill. It may not be popular neither to take away any of the privileges of parliament; for I very well remember, and many of your lordships may remember, that not long ago the popular cry was for the extension of privilege; and so far did they carry it at that time, that it was said that privilege protected members from criminal actions; nay, such was the power of popular prejudices over weak minds, that the very decisions of some of the courts were tinged with that doctrine. It was undoubtedly an abominable doctrine. I thought so then, and think so still; but nevertheless it was a popular doctrine, and came immediately from those who were called the friends of liberty, how deservedly time will show. True liberty, in my opinion, can only exist when justice is equally administered to all, to the king, and to the beggar. Where is the justice, then, or where is the law, that protects a member of parliament more than any other man from the punishment due to his crimes? The laws of this country allow of no place nor no employment to be a sanctuary for crimes; and, where I have the honour to sit as judge,

neither royal favour nor popular applause shall ever protect the guilty.

I have now only to beg pardon for having employed so much of your lordships' time ; and I am very sorry a bill, fraught with so good consequences, has not met with an abler advocate ; but I doubt not your lordships' determination will convince the world that a bill, calculated to contribute so much to the equal distribution of justice as the present, requires, with your lordships, but very little support.

LORD CHESTERFIELD'S FIRST SPEECH

ON THE GIN ACT, FEBRUARY 21ST, 1743, AFTER THE SECOND READING OF THE BILL.

THE act of parliament of 1736, by which no person was permitted to sell spirituous liquors in less quantity than two gallons, without a license, for which 50*l.* were to be paid, having proved, from the difficulties attending its execution, ineffectual in checking the progress of drunkenness among the common people, a new bill was introduced into the house of commons and carried, laying a small duty on spirits per gallon, at the *still head*, and reducing also the price of licenses to twenty shillings.

During the debate on the bill, in the house of lords, the Earl of Chesterfield delivered two speeches, both of which we preserve. Leaving his powers of reasoning for more weighty discussions, he here employs to expose and to decry the silly tendency of the measure the pleasantry of wit, and the sportiveness of good humoured irony. These speeches have very great merit. They will be read with avidity by those who relish the sprightly sallies of genius, or who are emulous of a style of eloquence which though it may not always convince, will never fail to delight.

SPEECH, &c.

MY LORDS,

THE bill now under our consideration appears to me to deserve a much closer regard than seems to

have been paid to it in the other house, through which it was hurried with the utmost precipitation, and where it passed almost without the formality of a debate. Nor can I think that earnestness, with which some lords seem inclined to press it forward here, consistent with the importance of the consequences which may with great reason be expected from it.

It has been urged, that where so great a number have formed expectations of a national benefit from any bill, so much deference, at least, is due to their judgment, as that the bill should be considered in a committee. This, my lords, I admit to be in other cases a just and reasonable demand; and will readily allow that the proposal, not only of a considerable number, but even of any single lord, ought to be fully examined, and regularly debated, according to the usual forms of this house. But in the present case, my lords, and in all cases like the present, this demand is improper, because it is useless; and it is useless, because we can do now all that we can do hereafter in a committee. For the bill before us is a money bill, which, according to the present opinion of the commons, we have no right to amend, and which, therefore, we have no need of considering in a committee, since the event of all our deliberations must be, that we are either to reject or pass it in its present state. For I suppose no lord will think this a proper time to enter into a controversy with the commons, for the revival of those privileges to which I believe we have a right; and such a controversy, the least attempt to amend a money bill will certainly produce.

To desire, therefore, my lords, that this bill may be considered in a committee, is only to desire that it may gain one step without opposition; that it may proceed through the forms of the house by stealth, and that the consideration of it may be delayed, till the exigencies of the government shall be so great, as not to allow time for raising the supplies by any other method.

By this artifice, gross as it is, the patrons of this wonderful bill hope to obstruct a plain and open detection of its tendency. They hope, my lords, that the bill shall operate in the same manner with the liquor which it is intended to bring into more general use; and that, as those who drink spirits are drunk before they are well aware that they are drinking, the effects of this law shall be perceived before we know that we have made it. Their intent is, to give us a dram of policy, which is to be swallowed before it is tasted, and which, when once it is swallowed, will turn our heads.

But, my lords, I hope we shall be so cautious as to examine the draught which these state empiricks have thought proper to offer us; and I am confident that a very little examination will convince us of the pernicious qualities of their new preparation, and show that it can have no other effect than that of poisoning the publick.

The law before us, my lords, seems to be the effect of that practice of which it is intended likewise to be the cause, and to be dictated by the liquor of which it so effectually promotes the use; for surely it never before was conceived, by any man intrusted with the administration of publick affairs, to raise taxes by the destruction of the people.

Nothing, my lords, but the destruction of all the most laborious and useful part of the nation, can be expected from the license which is now proposed to be given, not only to drunkenness, but to drunkenness of the most detestable and dangerous kind; to the abuse not only of intoxicating, but of poisonous liquors.

Nothing, my lords, is more absurd than to assert, that the use of spirits will be hindered by the bill now before us, or indeed that it will not be in a very great degree promoted by it. For what produces all kind of wickedness, but the prospect of impunity on one part, or the solicitation of opportunity on the other? Either of these have too frequently been sufficient to overpower the sense of morality, and even of

religion; and what is not to be feared from them, when they shall unite their force, and operate together, when temptations shall be increased, and terrouer taken away.

It is allowed, by those who have hitherto disputed on either side of this question, that the people appear obstinately enamoured of this new liquor; it is allowed on both parts, that this liquor corrupts the mind, and enervates the body, and destroys vigour and virtue, at the same time that it makes those who drink it too idle and too feeble for work; and, while it impoverishes them by the present expense, disables them from retrieving its ill consequences by subsequent industry.

It might be imagined, my lords, that those who had thus far agreed would not easily find any occasions of dispute; nor would any man, unacquainted with the motives by which parliamentary debates are too often influenced, suspect that after the pernicious qualities of this liquor, and the general inclination among the people to the immoderate use of it, had been generally admitted, it could be afterwards inquired, whether it ought to be made more common; whether this universal thirst for poison ought to be encouraged by the legislature, and whether a new statute ought to be made, to secure drunkards in the gratification of their appetites.

To pretend, my lords, that the design of this bill is to prevent or diminish the use of spirits, is to trample upon common sense, and to violate the rules of decency as well as of reason. For when did any man hear, that a commodity was prohibited by licensing its sale; or that to offer and refuse is the same action?

It is indeed pleaded, that it will be made dearer by the tax which is proposed, and that the increase of the price will diminish the number of the purchasers; but it is at the same time expected that this tax shall supply the expense of a war on the continent. It is asserted, therefore, that the consumption of spirits will be hindered; and yet that it will be such as may be expected to furnish, from a very small tax, a revenue

sufficient for the support of armies, for the reestablishment of the Austrian family, and the repressing of the attempts of France.

Surely, my lords, these expectations are not very consistent; nor can it be imagined that they are both formed in the same head, though they may be expressed by the same mouth. It is, however, some recommendation of a statesman, when, of his assertions, one can be found reasonable or true; and in this, praise cannot be denied to our present ministers. For though it is undoubtedly false, that this tax will lessen the consumption of spirits, it is certainly true that it will produce a very large revenue, a revenue that will not fail but with the people from whose debaucheries it arises.

Our ministers will therefore have the same honour with their predecessors, of having given rise to a new fund; not indeed for the payment of our debts, but for much more valuable purposes; for the cheering of our hearts under oppression, and for the ready support of those debts which we have lost hopes of paying. They are resolved, my lords, that the nation, which no endeavours can make wise, shall, while they are at its head, at least be merry; and, since publick happiness is the end of government, they seem to imagine that they shall deserve applause by an expedient, which will enable every man to lay his cares asleep, to drown sorrow, and lose in the delights of drunkenness both the publick miseries and his own.

Luxury, my lords, is to be taxed, but vice prohibited, let the difficulties in executing the law be what they will. Would you lay a tax upon the breach of the ten commandments? Would not such a tax be wicked and scandalous; because it would imply an indulgence to all those who could pay the tax? Is not this a reproach most justly thrown by protestants upon the church of Rome? Was it not the chief cause of the Reformation? And will you follow a precedent which brought reproach and ruin upon those that introduced it? This is the very case now before us.

You are going to lay a tax, and consequently to indulge a sort of drunkenness, which almost necessarily produces a breach of every one of the ten commandments. Can you expect the reverend bench will approve of this? I am convinced they will not; and therefore I wish I had seen it full upon this occasion. I am sure I have seen it much fuller upon some other occasions, in which religion had no such deep concern.

We have already, my lords, several sorts of funds in this nation, so many that a man must have a good deal of learning to be master of them. Thanks to his majesty, we have now amongst us the most learned man of the nation in this way. I wish he would rise up and tell us, what name we are to give to this new fund. We have already the civil list fund, the sinking fund, the aggregate fund, the South sea fund, and God knows how many others. What name we are to give this new fund I know not, unless we are to call it the drinking fund. It may perhaps enable the people of a certain foreign territory to drink claret; but it will disable the people of this kingdom from drinking any thing else but gin; for, when a man has, by gin drinking, rendered himself unfit for labour or business, he can purchase nothing else; and then the best thing he can do is to drink on till he dies.

Surely, my lords, men of such unbounded benevolence, as our present ministers, deserve such honours as were never paid before: they deserve to bestride a butt upon every sign post in the city, or to have their figures exhibited as tokens where this liquor is to be sold by the license which they have procured. They must be at least remembered to future ages, as the happy politicians, who, after all expedients for raising taxes had been employed, discovered a new method of draining the last relicks of the publick wealth, and added a new revenue to the government. Nor will those who shall hereafter enumerate the several funds now established among us, forget among the benefac-

tors to their country the illustrious authors of the drinking fund.

May I be allowed, my lords, to congratulate my countrymen and fellow subjects upon the happy times which are now approaching, in which no man will be disqualified from the privilege of being drunk ; when all discontent and disloyalty shall be forgotten, and the people, though now considered by the ministry as enemies, shall acknowledge the lenity of that government, under which all restraints are taken away ?

But, to a bill for such desirable purposes, it would be proper, my lords, to prefix a preamble, in which the kindness of our intentions should be more fully explained, that the nation may not mistake our indulgence for cruelty, nor consider their benefactors as their persecutors. If, therefore, this bill be considered and amended (for why else should it be considered ?) in a committee, I shall humbly propose, that it shall be introduced in this manner. "Whereas the designs of the present ministry, whatever they are, cannot be executed without a great number of mercenaries, which mercenaries cannot be hired without money ; and whereas the present disposition of this nation to drunkenness inclines us to believe, that they will pay more cheerfully for the undisturbed enjoyment of distilled liquors, than for any other concession that can be made by the government ; be it enacted, by the king's most excellent majesty, that no man shall hereafter be denied the right of being drunk on the following conditions."

This, my lords, to trifle no longer, is the proper preamble to this bill, which contains only the conditions on which the people of this kingdom are to be allowed henceforward to riot in debauchery, in debauchery licensed by law and countenanced by the magistrates. For there is no doubt but those, on whom the inventors of this tax shall confer authority, will be directed to assist their masters in their design to encourage the consumption of that liquor, from which such large revenues are expected, and to mul-

tiply without end those licenses which are to pay a yearly tribute to the crown.

By this unbounded license, my lords, that price will be lessened, from the increase of which the expectations of the efficacy of this law are pretended; for the number of retailers will lessen the value, as in all other cases, and lessen it more than this tax will increase it. Besides, it is to be considered, that at present the retailer expects to be paid for the danger which he incurs by an unlawful trade, and will not trust his reputation or his purse to the mercy of his customer, without a profit proportioned to the hazard; but, when once the restraint shall be taken away, he will sell for common gain, and it can hardly be imagined that, at present, he subjects himself to informations and penalties for less than six pence a gallon.

The specious pretence, on which this bill is founded, and indeed the only pretence that deserves to be termed specious, is the propriety of taxing vice; but this maxim of government has, on this occasion, been either mistaken or perverted. Vice, my lords, is not properly to be taxed, but suppressed; and heavy taxes are sometimes the only means by which that suppression can be attained. Luxury, my lords, or the excess of that which is pernicious only by its excess, may very properly be taxed, that such excess, though not strictly unlawful, may be made more difficult. But the use of those things which are simply hurtful, hurtful in their own nature, and in every degree, is to be prohibited. None, my lords, ever heard in any nation of a tax upon theft or adultery, because a tax implies a license granted for the use of that which is taxed, to all who shall be willing to pay it.

Drunkeness, my lords, is universally and in all circumstances an evil; and therefore ought not to be taxed but punished, and the means of it not to be made easy by a slight impost, which none can feel; but to be removed out of the reach of the people, and secured by the heaviest taxes, levied with the

utmost rigour. I hope those, to whose care the religion of the nation is particularly consigned, will unanimously join with me in maintaining the necessity, not of taxing vice, but suppressing it, and unite for the rejecting of a bill, by which the future, as well as present, happiness of thousands must be destroyed.

SECOND SPEECH

ON THE GIN ACT, FEBRUARY 24, 1743.

THOUGH the noble lord* who has been pleased to excite us to a unanimous concurrence with himself and his associates in the ministry, in passing the excellent and wonder-working bill ; this bill which is to lessen the consumption of spirits, without lessening the quantity which is distilled ; which is to restrain drunkards from drinking, by setting their favourite liquor always before their eyes ; to conquer habits by continuing them ; and correct vice by indulging it, according to the lowest reckoning, for at least another year ; still, my lords, such is my obstinacy, or such my ignorance, that I cannot yet comply with his proposal, nor can prevail with myself either to concur with measures so apparently opposite to the interest of the publick, or to hear them vindicated, without declaring how little I approve it.

During the course of this long debate, I have endeavoured to recapitulate and digest the arguments which have been advanced, and have considered them both separately and conjointly ; but find myself at the same distance from conviction as when I first entered the house.

In vindication of this bill, my lords, we have been told that the present law is ineffectual ; that our ma-

* The duke of Newcastle.

nufracture is not to be destroyed, or not this year; that the security offered by the present bill has induced great numbers to subscribe to the new fund; that it has been approved by the commons; and that, if it be found ineffectual, it may be amended another session.

All these arguments, my lords, I shall endeavour to examine, because I am always desirous of gratifying those great men to whom the administration of affairs is intrusted, and have always very cautiously avoided the odium of disaffection, which they will undoubtedly throw, in imitation of their predecessors, upon all those whose wayward consciences shall oblige them to hinder the execution of their schemes.

With a very strong desire, therefore, though with no great hopes, of finding them in the right, I venture to begin my inquiry, and engage in the examination of their first assertion, that the present law against the abuse of strong liquors is without effect.

I hope, my lords, it portends well to my inquiry, that the first position which I have to examine is true; nor can I forbear to congratulate your lordships upon having heard from the new ministry one assertion not to be contradicted.

It is evident, my lords, from daily observation, and demonstrable from the papers upon the table, that every year, since the enacting of the last law, that vice has increased which it was intended to repress, and that no time has been so favourable to the retailers of spirits as that which has passed since they were prohibited.

It may therefore be expected, my lords, that having agreed with the ministers in their fundamental proposition, I shall concur with them in the consequence which they draw from it; and having allowed that the present law is ineffectual, should admit that another is necessary.

But, my lords, in order to discover whether this consequence be necessary, it must first be inquired why the present law is of no force? For, my lords, it will be found, upon reflection, that there are certain

degrees of corruption that may hinder the effect of the best laws. The magistrates may be vitious, and forbear to enforce that law by which themselves are condemned; they may be indolent, and inclined rather to connive at wickedness, by which they are not injured themselves, than to repress it by a laborious exertion of their authority; or they may be timorous, and instead of awing the vitious, may be awed by them.

In any of these cases, my lords, the law is not to be condemned for its inefficacy, since it only fails by the defect of those who are to direct its operations. The best and most important laws will contribute very little to the security or happiness of a people, if no judges of integrity and spirit can be found amongst them. Even the most beneficial and useful bill that ministers can possibly imagine, a bill for laying on our estates a tax of the fifth part of their yearly value, would be wholly without effect, if collectors could not be obtained.

I am therefore, my lords, yet doubtful, whether the inefficacy of the law now subsisting necessarily obliges us to provide another: for those that declared it to be useless, owned at the same time that no man endeavoured to enforce it; so that perhaps its only defect may be, that it will not execute itself.

Nor, though I should allow that the law is at present impeded by difficulties which cannot be broken through, but by men of more spirit and dignity than the ministers may be inclined to trust with commissions of the peace, yet it can only be collected, that another law is necessary, not that the law now proposed will be of any advantage.

Great use has been made of the inefficacy of the present law, to decry the proposal made by the noble lord, for laying a high duty upon these pernicious liquors. High duties have already, as we are informed, been tried without advantage. High duties are at this hour imposed upon those spirits which are retailed, yet we see them every day sold in the streets, without the payment of the tax required; and there-

fore it will be folly to make a second essay of means which have been found, by the essay of many years, unsuccessful.

It has been granted on all sides in this debate, nor was it ever denied on any other occasion, that the consumption of any commodity is most easily hindered by raising its price; and its price is to be raised by the imposition of a duty. This, my lords, which is, I suppose, the opinion of every man, of whatever degree of experience or understanding, appears likewise to have been thought of by the authors of the present law; and therefore they imagined that they had effectually provided against the increase of drunkenness, by laying, upon that liquor which should be retailed in small quantities, a duty which none of the inferiour classes of drunkards would be able to pay.

Thus, my lords, they conceived that they had reformed the common people, without infringing the pleasures of others; and applauded the happy contrivance, by which spirits were to be made dear only to the poor, while every man who could afford to purchase two gallons was at liberty to riot at his ease, and, over a full flowing bumper, look down with contempt upon his former companions, now ruthlessly condemned to disconsolate sobriety.

But, my lords, this intention was frustrated; and the project, ingenious as it was, fell to the ground: for, though they had laid a tax, they unhappily forgot this tax would make no addition to the price unless it was paid; and that it would not be paid unless some were empowered to collect it.

Here, my lords, was the difficulty; those who made the law were inclined to lay a tax from which themselves should be exempt, and therefore would not charge the liquor as it issued from the still; and when once it was dispersed in the hands of petty dealers, it was no longer to be found without the assistance of informers; and informers could not carry on the business of prosecution, without the consent of the people.

It is not necessary to dwell any longer upon the law, the repeal of which is proposed, since it appears already that it failed, only from a partiality not easily defended, and from the omission of what is now proposed, the collecting the duty from the still-head.

If this method be followed, there will be no longer any need of informations, or of any rigorous or new measures; the same officers that collect a smaller duty may levy a greater; nor can they be easily deceived with regard to the quantities that are made; the deceits, at least, that can be used, are in use already; they are frequently detected and suppressed, nor will a larger duty enable the distillers to elude the vigilance of the officers with more success.

Against this proposal, therefore, the inefficacy of the present law can be no objection. But it is urged that such duties would destroy the trade of distilling; and a noble lord has been pleased to express great tenderness for a manufacture so beneficial and extensive.

That a large duty, levied at the still, would destroy, or very much impair, the trade of distilling, is certainly supposed by those who defend it, for they proposed it only for that end; and what better method can they propose, when they are called to deliberate upon a bill for the prevention of the excessive use of distilled liquors?

The noble lord has been pleased kindly to inform us, that the trade of distilling is very extensive; that it employs great numbers; and that they have arrived at exquisite skill, and therefore—note well the consequence—the trade of distilling is not to be discouraged.

Once more, my lords, allow me to wonder at the different conceptions of different understandings. It appears to me, that since the spirits, which the distillers produce, are allowed to enfeeble the limbs, and vitiate the blood, to pervert the heart, and obscure the intellects, that the number of distillers should be no argument in their favour; for I never

heard that a law against theft was repealed or delayed because thieves were numerous. It appears to me, my lords, that if so formidable a body are confederated against the virtue or the lives of their fellow citizens, it is time to put an end to the havoc, and to interpose, while it is yet in our power to stop the destruction.

So little, my lords, am I affected with the merit of the wonderful skill which the distillers are said to have attained, that it is, in my opinion, no faculty of great use to mankind, to prepare palatable poison; nor shall I ever contribute my interest for the relieve of a murderer, because he has, by long practice, obtained great dexterity in his trade.

If their liquors are so delicious, that the people are tempted to their own destruction, let us at length, my lords, secure them from these fatal draughts, by bursting the vials that contain them. Let us crush at once these artists in slaughter, who have reconciled their countrymen to sickness and to ruin, and spread over the pitfalls of debauchery such baits as cannot be resisted.

The noble lord has, indeed, admitted that this bill may not be found sufficiently coercive, but gives us hopes that it may be improved and enforced another year, and persuades us to endeavour a reformation of drunkenness by degrees, and, above all, to beware at present of hurting the *manufacture*.

I am very far, my lords, from thinking that there are, this year, any peculiar reasons for tolerating murder; nor can I conceive why the manufacture should be held sacred now, if it be to be destroyed hereafter. We are, indeed, desired to try how far this law will operate, that we may be more able to proceed with due regard to this valuable manufacture.

With regard to the operation of the law, it appears to me, that it will only enrich the government, without reforming the people; and I believe there are not many of a different opinion. If any diminution of the sale of spirits be expected from it, it is to be consi-

dered that this diminution will, or will not, be such as is desired for the reformation of the people. If it be sufficient, the manufacture is at an end, and all the reasons against a higher duty are of equal force against this: but if it is not sufficient, we have, at least, omitted part of our duty, and have neglected the health and virtue of the people.

I cannot, my lords, yet discover why a reprieve is desired for this manufacture. Why the present year is not equally propitious to the reformation of mankind, as any will be that may succeed it. It is true we are at war with two nations, and perhaps with more; but war may be better prosecuted without money than without men. And we but little consult the military glory of our country, if we raise supplies for paying our armies, by the destruction of those armies that we are contriving to pay.

We have heard the necessity of reforming the nation by degrees, urged as an argument for imposing first a lighter duty, and afterwards a heavier. This complaisance for wickedness, my lords, is not so defensible as that it should be battered by arguments in form, and therefore I shall only relate a reply made by Webb, the noted walker, upon a parallel occasion.

This man, who must be remembered by many of your lordships, was remarkable for vigour, both of mind and body, and lived wholly upon water for his drink, and chiefly upon vegetables for his other sustenance. He was one day recommending his regimen to one of his friends who loved wine, and who perhaps might somewhat contribute to the prosperity of this spirituous manufacture, and urged him, with great earnestness, to quit a course of luxury, by which his health and his intellects would equally be destroyed. The gentleman appeared convinced, and told him, "that he would conform to his counsel, and thought he could not change his course of life at once, but would leave off strong liquors by degrees." "By degrees!" says the other with indignation. "If you

should unhappily fall into the fire, would you caution your servants not to pull you out but by degrees?"

This answer, my lords, is applicable to the present case. The nation is sunk into the lowest state of corruption; the people are not only vitious, but insolent beyond example. They not only break the laws, but defy them; and yet some of your lordships are for reforming them by degrees.

I am not so easily persuaded, my lords, that our ministers really intend to supply the defects that may hereafter be discovered in this bill. It will doubtless produce money, perhaps much more than they appear to expect from it. I doubt not but the licensed retailers will be more than fifty thousand, and the quantity retailed must increase with the number of retailers. As the bill will, therefore, answer all the ends intended by it, I do not expect to see it altered; for I have never observed ministers desirous of amending their own errors, unless they are such as have caused a deficiency in the revenue.

Besides, my lords, it is not certain that, when this fund is mortgaged to the publick creditors, they can prevail upon the commons to change the security. They may continue the bill in force, for the reasons, whatever they are, for which they have passed it; and the good intentions of our ministers, however sincere, may be defeated, and drunkenness, legal drunkenness, established in the nation.

This, my lords, is very reasonable; and therefore we ought to exert ourselves for the safety of the nation, while the power is yet in our own hands; and, without regard to the opinion or proceedings of the other house, show that we are yet the chief guardians of the people.

The ready compliance of the commons, with the measures proposed in this bill, has been mentioned here, with a view, I suppose, of influencing us; but surely by those who had forgotten our independence, or resigned their own. It is not only the right, but the duty of either house, to deliberate, without regard to the determinations of the other: for how should the

nation receive any benefit from the distinct powers that compose the legislature, unless the determinations are without influence upon each other? If either the example or authority of the commons can divert us from following our own convictions, we are no longer part of the legislature; we have given up our honours, and our privileges; and what then is our concurrence but slavery, or our suffrage but an echo?

The only argument, therefore, that now remains, is the expediency of gratifying those, by whose ready subscription the exigencies our new statesmen have brought upon us have been supported, and of continuing the security by which they have been encouraged to such liberal contributions.

Publick credit, my lords, is indeed of very great importance; but publick credit can never be long supported without publick virtue; nor indeed, if the government could mortgage the morals and health of the people, would it be just and rational to confirm the bargain. If the ministry can raise money only by the destruction of their fellow subjects, they ought to abandon those schemes for which the money is necessary; for what calamity can be equal to unbounded wickedness?

But, my lords, there is no necessity for a choice, which may cost us or our ministers so much regret: for the same subscriptions may be procured by an offer of the same advantages to a fund of any other kind; and the sinking fund will easily supply any deficiency that might be suspected in another scheme.

To confess the truth, I should feel very little pain from an account that the nation was for some time determined to be less liberal of their contributions; and that money was withheld, till it was known in what expeditions it was to be employed, to what princes subsidies were to be paid, and what advantages were to be purchased by it for our country. I should rejoice, my lords, to hear that the lottery, by which the deficiencies of this duty are to be supplied, was not filled; and that the people were grown, at last, wise enough to discern the fraud, and to prefer

honest commerce, by which all may be gainers, to a game by which the greatest number must certainly be losers.

The lotteries, my lords, which former ministers have proposed, have always been censured by those that saw their nature and their tendency; they have been considered as legal cheats, by which the ignorant and the rash are defrauded, and the subtle and avaricious often enriched; they have been allowed to divert the people from trade, and to alienate them from useful industry. A man who is uneasy in his circumstances, and idle in his disposition, collects the remains of his fortune, and buys tickets in a lottery; retires from business; indulges himself in laziness; and waits, in some obscure place, the event of his adventure. Another, instead of employing his stock in trade, rents a garret, and makes it his business, by false intelligence and chimerical alarms, to raise and sink the price of tickets alternately, and takes advantage of the lies which he has himself invented.

Such, my lords, is the traffick that is produced by this scheme of getting money; nor were these inconveniencies unknown to the present ministers in the time of their predecessors, whom they never ceased to pursue with the loudest clamours, whenever the exigencies of the government reduced them to a lottery.

If I, my lords, might presume to recommend to our ministers the most probable method of raising a large sum, for the payment of the troops of the electorate, I should, instead of the tax and lottery now proposed, advise them to establish a certain number of licensed wheelbarrows, on which the laudable trade of thimble and button might be carried on for the support of the war, and shoeboys might contribute to the defence of the house of *Austria* by raffling for apples.

Having now, my lords, examined, with the utmost candour, all the reasons which have been offered in defence of the bill, I cannot conceal the result of my

inquiry. The arguments have had so little effect upon my understanding, that, as every man judges of others by himself, I cannot believe that they have any influence even upon those that offer them; and therefore I am convinced that this bill must be the result of considerations which have been hitherto concealed, and is intended to promote designs which are never to be discovered by the authors before their execution.

With regard to these motives and designs, however artfully concealed, every lord in this house is at liberty to offer his conjectures.

When I consider, my lords, the tendency of this bill, I find it calculated only for the propagation of diseases, the suppression of industry, and the destruction of mankind. I find it the most fatal engine that ever was pointed at a people; an engine by which those who are not killed will be disabled, and those who preserve their limbs will be deprived of their senses.

This bill, therefore, appears to be designed only to thin the ranks of mankind, and to disburthen the world of the multitudes that inhabit it, and is perhaps the strongest proof of political sagacity that our new ministers have yet exhibited. They well know, my lords, that they are universally detested, and that, whenever a Briton is destroyed, they are freed from an enemy; they have therefore opened the floodgates of gin upon the nation, that, when it is less numerous, it may be more easily governed.

Other ministers, my lords, who had not attained to so great a knowledge in the art of making war upon their country, when they found their enemies clamorous and bold, used to awe them with prosecutions and penalties, or destroy them like burglars with prisons and with gibbets. But every age, my lords, produces some improvement; and every nation, however degenerate, gives birth, at some happy period of time, to men of great and enterprising genius. It is our fortune to be witnesses of a new discovery in politicks; we may congratulate ourselves upon being cotemporaries with those men, who have showed that

hangmen and halters are unnecessary in a state, and that ministers may escape the reproach of destroying their enemies, by inciting them to destroy themselves.

This new method may, indeed, have upon different constitutions a different operation; it may destroy the lives of some, and the senses of others; but either of these effects will answer the purposes of the ministry, to whom it is indifferent, provided the nation becomes insensible, whether pestilence or lunacy prevails among them. Either mad or dead the greatest part of the people must quickly be, or there is no hope of the continuance of the present ministry.

For this purpose, my lords, what could have been invented more efficacious than an establishment of a certain number of shops, at which poison may be vended; poison so prepared as to please the palate, while it wastes the strength, and only kills by intoxication? From the first instant that any of the enemies of the ministry shall grow clamorous and turbulent, a crafty hireling may lead him to the ministerial slaughterhouse, and ply him with their wonder-working liquor, till he is no longer able to speak or think; and, my lords, no man can be more agreeable to our ministers, than he that can neither speak nor think, except those who speak without thinking.

But, my lords, the ministers ought to reflect, that though all the people of the present age are their enemies, yet they have made no trial of the temper and inclinations of posterity. Our successors may be of opinions very different from ours; they may perhaps approve of wars on the continent, while our plantations are insulted and our trade obstructed; they may think the support of the house of Austria of more importance to us than our own defence; and may perhaps so far differ from their fathers, as to imagine the treasures of Britain very properly employed in supporting the troops, and increasing the splendour, of a foreign electorate.

Whatever, my lords, be the true reason for which this bill is so warmly promoted, I think they ought, at least, to be deliberately examined; and therefore

cannot think it consistent with our regard for the nation, to suffer it to be precipitated into a law. The year, my lords, is not so far advanced but that supplies may be raised by some other method, if this should be rejected. Nor do I think that we ought to consent to this, even though our refusal should hinder the supplies, since we have no right, for the sake of any advantage, however certain or great, to violate all the laws of heaven and earth, and to fill the exchequer with the price of the lives of our fellow subjects.

Let us, therefore, my lords, not suffer ourselves to be driven forward with such haste, as may hinder us from observing whither we are going. Let us not be persuaded to precipitate our counsels, by those who know that all delays are detrimental to their designs, because delays may produce new information; and they are conscious that the bill will be the less approved, the more it is understood.

But every reason which they can offer against the motion is, in my opinion, a reason for it; and therefore I shall readily agree to postpone the clause, and no less readily to reject the bill.

If, at last, reason and evidence are vain; if neither justice nor compassion can prevail; but the nation must be destroyed for the support of the government; let us at least, my lords, confine our assertions, in the preamble, to truth. Let us not affirm that drunkenness is established by the advice or consent of the lords spiritual; since I am confident not one of them will so far contradict his own doctrine, as to vote for a bill which gives a sanction to one vice, and ministers opportunities and temptations to all others, and which, if it be not speedily repealed, will overflow the whole nation with a deluge of wickedness.

LORD BELHAVEN'S SPEECH,

IN THE SCOTCH CONVENTION, AGAINST THE UNION.

AFTER an arduous struggle, and by the most dexterous management on the part of the commissioners appointed for the purpose, the treaty of union between England and Scotland was finally concluded, and from the first of May 1707, the two kingdoms became indissolubly incorporated.

This wise and salutary measure had to encounter in every step of its progress, the sturdy pride, the haughty spirit of independence, and all the force of national prejudice incident to the Scotch character.

Among the most formidable of the opposition, both on account of the mighty sway of his talents, and the resoluteness of his temper, was the earl of Belhaven. Conceiving, in common with many other distinguished men, and a clear majority of the nation, that in the loss of her independent legislature, his country would experience a train of calamities, not more destructive to her prosperity, than degrading to her dignity, he waged a resistance to the hateful project with a constancy which the weight of regal influence could not shake, nor the pledge of honours and rewards seduce, or the snares of intrigue or artifice surprise.

The ensuing speech discloses his sentiments and his fears. Like the tremulous solitudes of many other ardent patriots they proved to be visionary.

Not one of the groupe of misfortunes which he beheld through the vista of futurity was realized. The act of union on the contrary, gave wealth, and happiness, and strength to Scotland, and guarantied the grandeur and safety of the British empire.

SPEECH, &c.

MY LORD CHANCELLOR,

WHEN I consider the affair of a union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberation at this time, I find my mind crowded with a variety of melancholy thoughts; and I think it my duty to disburthen myself of some of them by laying them before, and exposing them to the serious consideration of this honourable house.

I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this time engaged in the most bloody and cruel wars that ever were: to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other.

I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and most pointed legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other sectaries.

I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expense, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their *quondam* Mackallamores.

I think I see the present peers of Scotland, whose noble ancestors conquered provinces, over-run countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the court of requests, like so many English attornies, laying aside their walking swords when in company with the English peers, lest their self defence should be found murder.

I think I see the honourable estate of barons, the bold assertors of the nation's rights and liberties in the worst of times, now setting a watch upon their lips, and a guard upon their tongues, lest they may be found guilty of *scandalum magnatum*.

I think I see the royal state of burghers walking their desolate streets, hanging down their heads under disappointments, wormed out of all the branches of their old trade, uncertain what hand to turn to, necessitated to become 'prentices to their unkind neighbours, and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein.

I think I see our learned judges laying aside their pratiques and decisions, studying the common law of England, gravelled with *certioraris*, *nisi priuses*, *writs of error*, *verdicts*, *injunctions*, *demurs*, &c. and frightened with appeals and avocations, because of the new regulations and rectifications they may meet with.

I think I see the valiant and gallant soldiery either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence, as a reward of their honourable exploits; while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing.

I think I see the honest industrious tradesman loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage, petitioning for encouragement to his manufactures, and answered by counter petitions.

In short, I think I see the laborious ploughman, with his corn spoiling upon his hands, for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse.

I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employment.

I think I see our mariners delivering up their ships to their Dutch partners, and what through presses and necessity, earning their bread as underlings in the royal English navy.

But above all, my lord, I think I see our ancient mother Caledonia, like Cesar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with an *Et tu quoque mi fili!*

Are not these, my lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonourable articles. Should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors' valour and constancy rouse up our drooping spirits? Are our noble predecessors' souls got so far into the English cabbage stalk, and cauliflower, that we should show the least inclination that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day, I say, my lord, in this our day, we should not mind the things that concern the very being, and well being of our ancient kingdom, before the day be hid from our eyes?

I design not at this time to enter into the merits of any one particular article. I intend this discourse as an introduction to what I may afterwards say upon the whole debate, as it falls in before this honourable house; and therefore, in the further prosecution of what I have to say, I shall insist upon a few particu-

lars, very necessary to be understood before we enter into the detail of so important a matter.

I shall therefore, in the first place, endeavour to encourage a free and full deliberation, without animosities and heats. In the next place, I shall endeavour to make an inquiry into the nature and source of the unnatural and dangerous divisions that are now on foot within this isle, with some motives showing that it is our interest to lay them aside at this time. Then I shall inquire into the reasons which have induced the two nations to enter into a treaty of union at this time, with some considerations and meditations with relation to the behaviour of the lords commissioners of the two kingdoms in the management of this great concern. And lastly, I shall propose a method, by which we shall most distinctly, and without confusion go through the several articles of this treaty, without unnecessary repetitions or loss of time. And all this with all deference, and under the correction of this honourable house.

My lord chancellor, the greatest honour that was done unto a Roman, was to allow him the glory of a triumph; the greatest and most dishonourable punishment was that of parricide. He that was guilty of parricide was beaten with rods upon his naked body, till the blood gushed out of all the veins of his body; then he was sewed up in a leathern sack called a *culcus*, with a cock, a viper, and an ape, and thrown headlong into the sea.

My lord, patricide is a greater crime than parricide, all the world over.

In a triumph, my lord, when the conqueror was riding in his triumphal chariot, crowned with laurels, adorned with trophies, and applauded with huzzas! there was a monitor appointed to stand behind him, to warn him not to be high minded, nor puffed up with overweening thoughts of himself; and to his chariot were tied a whip and a bell, to remind him that for all his glory and grandeur, he was accountable to the people for his administration, and would be punished, as other men, if found guilty.

The greatest honour amongst us, my lord, is to represent the sovereign's sacred person in parliament; and in one particular it appears to be greater than that of a triumph, because the whole legislative power seems to be wholly entrusted with him. If he give the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary or without any instructions from the sovereign. If he refuse the royal assent to a vote in parliament, it cannot be a law, though he has the sovereign's particular and positive instructions for it.

His grace the duke of Queensbury, who now represents her majesty in this session of parliament, hath had the honour of that great trust as often, if not more, than any Scotchman ever had. He hath been the favourite of two successive sovereigns, and I cannot but commend his constancy and perseverance, that notwithstanding his former difficulties and unsuccessful attempts, and *maugre* some other specialities not yet determined, that his grace has yet had the resolution to undertake the most unpopular measures last. If his grace succeed in this affair of a union, and that it prove for the happiness and welfare of the nation, then he justly merits to have a statue of gold erected for himself; but if it shall tend to the entire destruction and abolition of our nation, and that we, the nation's trustees, will go into it, then I must say, that a whip and a bell, a cock, and a viper, and an ape, are but too small punishments for any such bold, unnatural undertaking and complaisance.

That I may pave a way, my lord, to a full, calm, and free reasoning upon this affair, which is of the last consequence unto this nation, I shall mind this honourable house, that we are the successors of our noble predecessors who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate; and who, during the time of two thousand years, have handed them down to us a free, independent nation, with the

hazard of their lives and fortunes. Shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honour and glory? God forbid. Shall the hazard of a father unbind the ligaments of a dumb son's tongue; and shall we hold our peace when our *patria* is in danger? I speak this, my lord, that I may encourage every individual member of this house to speak his mind freely; there are many wise and prudent men amongst us, who think it not worth their while to open their mouths; there are others, who can speak very well, and to good purpose, who shelter themselves under the shameful cloak of silence from a fear of the frowns of great men and parties. I have observed, my lord, by my experience, the greatest number of speakers in the most trivial affairs; and it will always prove so, while we come not to the right understanding of the oath *de fideli*, whereby we are bound not only to give our vote but our faithful advice in parliament, as we should answer to God. And in our ancient laws, the representatives of the honourable barons and the royal boroughs are termed spokesmen. It lies upon your lordships, therefore, particularly to take notice of such, whose modesty makes them bashful to speak. Therefore, I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman to a great queen, upon occasion of a state project, contrived by an able statesman and the favourite to a great king, against a peaceful obedient people, because of the deversity of their laws and constitutions: "If at this time thou hold thy peace, salvation shall come to the people from another place; but thou and thy house shall perish." I leave the application to each particular member of this house.

My lord, I come now to consider our divisions. We are under the happy reign, blessed be God, of the best of queens, who has no evil design against the meanest of her subjects; who loves all her people, and is equally beloved by them again; and yet, that under the happy influence of our most excellent queen,

there should be such divisions and factions, more dangerous and threatening to her dominions than if we were under an arbitrary government, is most strange and unaccountable. Under an arbitrary prince all are willing to serve, because all are under a necessity to obey, whether they will or not. He chooses therefore whom he will, without respect to either parties or factions; and if he think fit to take the advices of his councils or parliaments, every man speaks his mind freely, and the prince receives the faithful advice of his people, without the mixture of self designs. If he prove a good prince, the government is easy; if bad, either death or a revolution brings a deliverance: whereas here, my lord, there appears no end of our misery, if not prevented in time. Factions are now become independent, and have got footing in councils, in parliaments, in treaties, in armies, in incorporations, in families, among kindred; yea, man and wife are not free from their political jars.

It remains, therefore, my lord, that I inquire into the nature of these things; and since the names give us not the right idea of the thing, I am afraid I shall have difficulty to make myself well understood.

The names generally used to denote the factions, are whig and tory; as obscure as that of guelfs and ghibelines; yea, my lord, they have different significations, as they are applied to factions in each kingdom. A whig in England is a heterogeneous creature: in Scotland he is all of a piece. A tory in England is all of a piece, and a statesman; in Scotland he is quite otherwise; an anticourtier and antistatesman.

A whig in England appears to be somewhat like Nebuchadnezzar's image, of different metals, different classes, different principles, and different designs; yet, take them all together, they are like a piece of some mixed druggot of different threads; some finer, some coarser, which after all make a comely appearance, and an agreeable suit. Tory is like a piece of loyal home-made English cloth, the true staple of the nation, all of a thread; yet if we look narrowly into it, we shall perceive a diversity of colours, which,

according to the various situations and positions; make various appearances. Sometimes tory is like the moon in its full; as appeared in the affair of the bill of occasional conformity. Upon other occasions, it appears to be under a cloud, and as if it were eclipsed by a greater body; as it did in the design of calling over the illustrious princess Sophia. However, by this we may see their designs are to out-shoot whig in his own bow.

Whig, in Scotland, is a true blue presbyterian, who, without considering time or power, will venture his all for the kirk, but something less for the state. The greatest difficulty is how to describe a Scots tory. Of old, when I knew them first, tory was an honest hearted comradish fellow, who, provided he was maintained and protected in his benefices, titles, and dignities, by the state, he was the less anxious who had the government and management of the church; but now, what he is since *jure divino* came in fashion, and that christianity, and by consequence salvation, comes to depend upon episcopal ordination, I profess I know not what to make of him; only this I must say for him, that he endeavours to do by opposition, that which his brother in England endeavours by a more prudent and less scrupulous method.

Now, my lord, from these divisions, there has got up a kind of aristocracy, something like the famous triumvirate at Rome; they are a kind of undertakers and pragmatick statesmen, who, finding their power and strength great, and answerable to their designs, will make bargains with our gracious sovereign; they will serve her faithfully, but upon their own terms; they must have their own instruments, their own measures. This man must be turned out, and that man put in, and then they will make her the most glorious queen in Europe.

Where will this end, my lord? Is not her majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a change of parties make the nation more happy? No, my lord. The seed is sown, that

is like to afford us a perpetual increase : it is not an annual herb, it takes deep root ; it seeds and breeds, and if not timely prevented by her majesty's royal endeavours, will split the whole island in two.

My lord, I think, considering our present circumstances at this time, the Almighty God has reserved this great work for us. We may bruise this hydra of division, and crush this cockatrice's egg. Our neighbours in England are not yet fitted for any such thing ; they are not under the afflicting hand of Providence, as we are ; their circumstances are great and glorious ; their treaties are prudently managed, both at home and abroad ; their generals brave and valorous, their armies successful and victorious ; their trophies and laurels memorable and surprising ; their enemies subdued and routed, their strong holds besieged and taken. Sieges relieved, marshals killed and taken prisoners ; provinces and kingdoms are the results of their victories. Their royal navy is the terror of Europe ; their trade and commerce extended through the universe, encircling the whole habitable world, and rendering their own capital city the emporium for the whole inhabitants of the earth ; and which is yet more than all these things, the subjects freely bestowing their treasure upon their sovereign ; and above all, these vast riches, the sinews of war, and without which all the glorious success had proved abortive, these treasures are managed with such faithfulness and nicety, that they answer seasonably all their demands, though at never so great a distance. Upon these considerations, my lord, how hard and difficult a thing will it prove to persuade our neighbours to a self-denying bill.

'Tis quite otherwise with us, my lord, as we are an obscure poor people, though formerly of better account, removed to a distant corner of the world, without name, and without alliances ; our posts mean and precarious ; so that I profess I don't think any one post in the kingdom worth the bringing after,* save

* Seeking for.

that of being commissioner to a long session of a factious Scots parliament, with an antedated commission, and that yet renders the rest of the ministers more miserable. What hinders us then, my lord, to lay aside our divisions, to unite cordially and heartily together in our present circumstances, when our all is at stake. Hannibal, my lord, is at our gates—Hannibal is come within our gates—Hannibal is come the length of this table—He is at the foot of the throne. He will demolish the throne, if we take not notice. He will seize upon these regalia. He will take them as our *spolia opima*, and whip us out of this house, never to return again.

For the love of God, then, my lord, for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert into prosperity and happiness! We want no means if we unite. God blessed the peace makers. We want neither men, nor sufficiency of all manner of things necessary to make a nation happy. All depends upon management; *concordia res parvæ crescunt*. I fear not these articles, though they were ten times worse than they are, if we once cordially forgive one another, and that according to our proverb, *Bygones be Bygones*, and fair play for time to come. For my part, in the sight of God, and in the presence of this honourable house, I heartily forgive every man, and beg that they may do the same to me; and I do most humbly propose, that his grace, my lord commissioner, may appoint an agape, may order a love feast for this honourable house, that we may lay aside all self designs, and after our fasts and humiliations, may have a day of rejoicing and thankfulness; may eat our meat with gladness, and our bread with a merry heart. Then shall we sit each man under his own fig-tree, and the voice of the turtle shall be heard in our land, a bird famous for constancy and fidelity.

SIR WILLIAM WYNDHAM'S SPEECH,

IN THE HOUSE OF COMMONS, ON THE REPEAL OF THE SEPTENNIAL ACT. MARCH 13, 1734.

HOWEVER daring may be considered the exertion of parliamentary authority which passed the septennial act, it no doubt was a measure called for by the corruption and turbulence of the times, and which the experience of its beneficial effects completely vindicates.

Frequency of election has uniformly proved the curse of every state in which it was indulged. It renders the councils of a nation as fluctuating as the popular will, and as flagitious as the popular dispositions. It substitutes in legislation for the energy of wisdom, and the coolness of discretion, the violence of folly and the rashness of that party intemperance which it enkindles. It keeps a nation perpetually heated by the ferments it necessarily excites, and lets loose to prey upon society the worst of human passions. It vitiates publick morals, and poisons individual comfort.

No country ever has, or will preserve its internal peace or attain to any height of power or glory which idly permits frequent appeals to popular suffrage.

The change in the constitution of the English house of commons certainly was productive of very salutary consequences. It protected, at a moment of alarm the

publick safety, and infused into the government a stability, vigour, firmness, and consistency, which have enabled it to defeat the designs of faction, and to carry the country triumphantly through all those arduous struggles, and critical junctures in which, during the last and present centuries, it has been placed.

The septennial bill met, when originally introduced into parliament with a vehement resistance; and subsequently on several occasions, strenuous attempts were made, but without success, to procure its repeal. The first of these efforts was in the year 1734. The opposition of that period came forward, and urged it with an uncommon display of ability. They were answered with equal talent by the ministry. No debate, indeed, in the British senate is more celebrated for its eloquence. The speech of Sir William Wyndham has been particularly extolled. By one writer* it is exultingly cited as exhibiting "the unrivalled orator, the uncorrupted Briton, and the unshaken patriot." By another† it is pronounced to be a "master-piece of eloquence" and that its reasonings which are fully stated, are unanswerable. Not the slightest notice is taken by either of these historians of the reply of Sir Robert Walpole, or of any of the speeches in support of the bill. We have acted with less partiality. The ablest speech on each side is here inserted. These comprehend all the principal arguments employed in the discussion of the subject. Whatever may be the energy and ingenuity of the *attack*, it does not surpass the skill and strength of the *defence*. That mind, truly, must be very weak, or dull, or crooked, which, after reading the speech of Sir Robert Walpole, is not convinced of the impolicy, and dangerous tendency of *frequent elections*.

* Smollet.

† Belsham.

SPEECH, &c.

SIR,

THE honourable gentleman who spoke last, in vindicating, as he called it, his learned friend, threw out a very unfair reflection upon the conduct of a worthy gentleman under the gallery, whose behaviour in parliament, I have been a witness of; and I can say without flattery, it has been as even and as honourable, as the behaviour of any gentleman in this house; and if the honourable gentleman thinks otherwise, I dare say he is single in his opinion: He is, I believe, the only man, either in the house or out of it, who thinks so; I wish the behaviour of every other gentleman, I will not say in this, but in former parliaments, had been as unexceptionable: for if it had, I am very sure we should have had no occasion for this day's debate.

The observation made by the learned gentleman, which the honourable gentleman took up so much time to explain, was without exception; it was just, it was plain, and therefore wanted neither an explanation nor a vindication; but, sir, what the worthy gentleman under the gallery, and others as well as he took notice of, was an expression that fell from the learned gentleman, I dare say, without design. He said, that we were to have no dependance upon our constituents; he went further, he said it was a dangerous dependance; nay, he went further still, and said, it was more dangerous than a dependance on the crown. This my worthy friend took notice of, and with his usual modesty, called it a new doctrine. It is, sir, not only a new doctrine, but it is the most monstrous, the most slavish doctrine that was ever heard, and such a doctrine as I hope no man will ever dare to support within these walls; I am persuaded, sir, the learned gentleman did not mean what the words he happened to make use of may seem to import; for though the people of a county, city, or borough may be misled, and may be induced to give

instructions, which are contrary to the true interest of their country, yet I hope he will allow, that in times past, the crown has been oftner misled, and consequently, we must conclude, that it is more apt to be misled in time to come, than we can suppose the people to be.

As to the contests about the next election, sir, that they were begun a long while ago, is a certain fact; but who the beginners were may not be so certain, or, at least, not so generally known; and the honourable gentleman who spoke last seemed to be ignorant, or indeed, rather to mistake who were the beginners of them; but if he pleases to look about him, he may see one not far distant from him, who, by his agents, was the first and the principal beginner of them, in most parts of the kingdom. To see them begin so soon, is no new thing, sir. It is a stale ministerial artifice; it has been practised ever since *septennial parliaments* took place, and will be practised as long as they continue. Ministers of state know well how unequal the contention is between a country gentleman, who has nothing but his own estate, greatly exhausted by the many taxes he pays, to depend on; and ministerial election mongers, supplied by gentlemen in office, who have for seven years been heaping up money for that purpose, or perhaps supplied even by the publick treasure of the nation. And the sooner this contention begins, the greater disadvantage the country gentlemen labour under, the more time those tools of corruption have to practise upon the electors, and to discover where that money may be placed to the best advantage, which is issued for corrupting the people, and overturning the constitution. From hence it is obvious who have been, and who will always be the first beginners of such contentions.

The learned gentleman, as well as some others, particularly an honourable gentleman under the gallery, who spoke early in the debate, and who, indeed, said as much, and in as handsome a manner as can, in my opinion, be said against the question, has told us, that our constitution has been often varied; and

that there was no time, when it was such as we ought, or would desire, to return to. Sir, it is not to be doubted, but our constitution has often varied, and perhaps, there is no time when it was without a fault; but I will affirm, that there is no time in which we may not find some good things in our constitution. There are now, there have been in every century, some good laws existing. Let us preserve those that are good; if any of them have been abolished, let them be restored, and if any of the laws now in being, are found to be attended with inconveniences, let them be repealed: this is what is now desired; this is what the people have reason to expect from parliament; there is nothing now desired but what the people have a right to; they have now, they always had a right to frequent new parliaments; and this right was established and confirmed, even by the claim of rights, notwithstanding what the learned gentleman has said to the contrary. At the time of the revolution, nay, at the present time, at all times, the word parliament, in the common way of speaking, comprehends all the sessions held from one election to another. That this is the common meaning of the word, I appeal to every gentleman in this house; and for this reason, those patriots who drew up our claim of rights, could not imagine, that it was necessary to put in the word *new*. They could not so much as dream, that the two words, *frequent parliaments*, would afterwards be interpreted to mean, *frequent sessions of parliament*; but the lawyers, who are accustomed to confound the sense of the plainest words, immediately found out, that a session of parliament was a parliament, and that therefore the words *frequent parliaments*, meant only *frequent sessions*. This quirk the lawyers found out immediately after the revolution; this quirk the courtiers at that time caught hold of; and this set the people anew, upon the vindication of their rights, which they obtained by the *triennial bill*. By that bill, the right of the people to frequent new parliaments, was established in such

clear terms, as not to be misunderstood; and God forgive them, who consented to the giving them up.

I am extremely surprised, sir, to hear it said, that the triennial bill was introduced by the enemies to the revolution. I will not say that it was introduced by the courtiers at that time: we seldom see such bills introduced by such gentlemen; but does not every one know, that it was my lord Somers who was the chief promoter of that bill, and that most of those who supported him in it, were gentlemen who had been deeply concerned in bringing about the revolution? It is true, the courtiers opposed it, and even king William himself, by the advice of some wicked ministers, refused to pass it the first time it was offered; but when it came back again to him, he was better advised; and if he had not passed it, he had not done what he ought to do, he had not done all he came to do, nor that which, when he came, he promised to do, which was to restore the people to the full enjoyment of all their rights and privileges.

To pretend, sir, that the triennial bill was introduced with a view of distressing king William's government, is really casting a reflection upon his government; for to tell us, that the people's claiming those rights, which he came to establish, was a distressing of his government, is to tell us, that his government was contrary to the rights of the people, which is in my opinion, a very high reflection, and such a one as the gentlemen, who tell us so, would not patiently hear cast upon that reign by others. The other pretence, that triennial parliaments were the cause of his putting an end to the war, or of that treaty which was so much complained of, is, I am sure, as groundless; for the second war was begun and carried on with great success, under the influence of triennial parliaments, till the balance of power was fully restored, and so firmly established, that France has never since endeavoured to make the least encroachment upon any of her neighbours. What some late measures may encourage her to do hereafter, I shall not pretend to determine; but this nation has, ever

since that time, enjoyed what I think I may call a profound tranquillity, which, if the triennial law had remained in force, we should, I believe, have made a much better use of, than we now seem to have done.

The learned gentleman has told us, that the septennial law, is a proper medium between the unlimited power of the crown, and the limiting that power too much ; but, sir, before he had fixed upon this as a medium, he should first have discovered to us the two extremes. I will readily allow, that an unlimited power in the crown, with respect to the continuing of parliaments, is one extreme ; but the other, I cannot really find out ; for I am very far from thinking, that the power of the crown was too much limited by the triennial law, or that the happiness of the nation was any way injured by it, or can ever be injured by frequent elections. As to the power of the crown, it is very certain, that as long as the administration of publick affairs, is agreeable to the generality of the people, were they to choose a new parliament every year, they would choose such representatives as would most heartily concur in every thing with such an administration ; so that even an annual parliament could not be any limitation of the just power of the crown ; and as to the happiness of the nation, it is certain that gentlemen will always contend with more heat and animosity about being members of a long parliament, than about being members of a short one ; and therefore, the elections for a septennial parliament must always disturb the peace, and injure the happiness of the nation, more than the elections for an annual or triennial parliament. Of this the elections in the city of London, mentioned by my worthy friend, are an evident demonstration.

As to the elections coming on when the nation is in a ferment, it is so far from being an objection to frequent elections, that it is, in my opinion, sir, a strong argument in favour of them ; because it is one of the chief supports of the freedom of the nation. It

is plain, that the people seldom or ever were in a ferment, but when encroachments were made upon their rights and privileges; and when any such are made, it is very proper, nay it is even necessary, that the people should be allowed to proceed to a new election, in order that they may choose such representatives, as will do them justice, by punishing those who have been making encroachments upon them; otherwise one of these two effects may very probably ensue: either the ferment will break out into an open insurrection, or the encroachment that has been made, may happen to be forgot before a new election comes on, and then the invaders of the people's rights, will have a much better lay for getting such a new parliament chosen, as will not only free them from all punishment, but will confirm the encroachments that have been made, and encourage the making of new. Thus the rights of the people may be nibbled and curtailed by piecemeal, and ambitious criminals may at last get themselves so firmly seated, that it will be out of the power of the people to stop their career, or to avoid the chains which they are preparing.

Now, sir, to return to the power of the crown, which the learned gentleman has told us was too much limited by the triennial law. I think I have made it plain, that the just power of the crown cannot possibly be limited by frequent elections, and consequently could not be too much limited by the triennial law. But by long parliaments the crown may be enabled to assume, and to make use of an unjust power. By our constitution, the only legal method we have of vindicating our rights and privileges, against the encroachments of ambitious ministers, is by parliament. The only way we have of rectifying a weak or wicked administration, is by parliament. The only effectual way we have of bringing high and powerful criminals to condign punishment, is by parliament. But if ever it should come to be in the power of the administration to have a majority of this house depending upon the crown, or to get a majority of such men returned as the representatives of the people,

the parliament will then stand us in no stead. It can answer none of these great purposes. The whole nation may be convinced of the weakness or the wickedness of those in the administration, and yet it may be out of the nation's power, in a legal way, to get the fools turned out, or the knaves hanged.

This misfortune, sir, can be brought upon us by nothing but by bribery and corruption; and therefore there is nothing we ought to guard more watchfully against. And an honourable gentleman who spoke some time ago, upon the same side with me, has so clearly demonstrated, that the elections for a septennial parliament are more liable to be influenced by corruption than those for a triennial, that I am surprised his argument should be mistaken or not comprehended. But it seems the most certain maxims, the plainest truths, are now to be controverted or denied. It has been laid down as a maxim, and I think it is a most infallible maxim, that a man will contend with more heat and vigour for a post, either of honour or profit, which he is to hold for a long term, than he will do for one he is to hold for a shorter term. This has been controverted. It has been laid down as a maxim, and I think equally infallible, that a hundred guineas is a more powerful bribe than *fifty*. This has been denied. Yet nevertheless I must beg leave to push this argument a little further.

Let us suppose, sir, a gentleman at the head of the administration, whose only safety depends upon corrupting the members of this house. This may now be only a supposition; but it is certainly such a one as may happen; and if ever it should, let us see whether such a minister might not promise himself more success in a septennial than he could in a triennial parliament. It is an old maxim, that every man has his price, if you can but come up to it. This, I hope, does not hold true of every man; but I am afraid it too generally holds true; and that of a great many it may hold true, is what, I believe, was never doubted of; though I don't know but it may now likewise be denied. However, let us suppose this distressed

minister applying to one of those men who has a price and is a member of this house. In order to engage this member to vote as he shall direct him, he offers him a pension of 1000*l.* a year; if it be but a triennial parliament, will not the member immediately consider within himself; If I accept of this pension, and vote according to direction, I shall lose my character in the country, I shall lose my seat in parliament the next election, and my pension will then of course be at an end; so that by turning rogue I shall get but 3000*l.* This is not worth my while; and so the minister must either offer him perhaps the double of that sum, or otherwise he will probably determine against being corrupted. But if the parliament were septennial, the same man might, perhaps, say within himself, I am now in for even years. By accepting of this pension I shall have at least 7000*l.* This will set me above contempt, and if I am turned out at next election, I do not value it. I'll take the money in the mean time. Is it not very natural to suppose all this, sir, and does not this evidently show, that a wicked minister cannot corrupt a triennial parliament, with the same money with which he may corrupt a septennial?

Again; suppose this minister applies to a gentleman who has purchased, and thereby made himself member for a borough, at the rate of perhaps 1500*l.* besides travelling charges, and other little expenses: suppose the minister offers him a pension of 500*l.* a year to engage his vote: will not he naturally consider, if it be a triennial parliament, that if he cannot get a higher pension he will lose money by being a member? and surely if he be a right burgess, he will resolve not to sell at all, rather than sell his commodity for less than it cost him; and if he finds he cannot sell at all, he will probably give over standing a candidate again upon such a footing; by which not only he, but many others, will be induced to give over dealing in corrupting the electors at the next election. But in case it be a septennial parliament, will he not then probably accept of the 500*l.* pension,

if he be one of those men that has a price? Because he concludes, that for 1500*l.* he may always secure his election, and every parliament will put near 2000*l.* in his pocket, besides reimbursing him all his charges. After viewing the present question in this light, is it possible, sir, not to conclude, that septennial parliaments, as well as the elections for such, must always be much more liable to be influenced by corruption than triennial, or the elections for triennial?

For my own part, sir, I have been often chosen. I have sat in parliament above these twenty years, and I can say with truth, that neither at my election, nor after my return, no man ever dared to attempt to let me know what is meant by bribery and corruption; but I am sorry to hear the impossibility of preventing it mentioned, and mentioned too, sir, within these walls. The honourable gentleman who spoke last, told us the evil of corruption was inevitable. If I were so unhappy as to think so, I should look upon my country to be in the most melancholy situation. Perhaps it may be the way of thinking among those he keeps company with; but I thank God I have a better opinion of my countrymen; and since it appears to be a way of thinking among some gentlemen, it is high time for us to contrive some method of putting it out of their power to corrupt the virtue of the people; for we may depend upon this as a certain maxim, that those who think they cannot gain the affections of the people, will endeavour to purchase their prostitution; and the best way to prevent the success of their endeavours, is to raise the price so high, as to put it out of the power of any man, or of any set of men to come up to it. If a parliament is to be purchased, if elections are to be purchased, it is manifest the corrupting of triennial must, upon the whole, cost a great deal more than the corrupting of septennial elections or parliaments. Therefore, in order to put it out of the power of any man, or of any administration, to purchase the prostitution of a parliament, or of the people, let us return to triennial parliaments; and if that will not do, let us

return to annual elections, which, I am very certain, would render the practice of corruption impossible. This, sir, is now the more necessary, because of the many new posts and places of profit which the crown has at its disposal, and the great civil list settled upon his present majesty, and which will probably be continued to his successours. This, I say, urges the necessity for frequent new parliaments, because the crown has it now more in their power than formerly, to seduce the people, in case any future administration should find it necessary, for their own safety, to do so.

That the increase or decrease of corruption at elections, or in parliament, must always depend upon the increase or decrease of virtue among the people, I shall readily grant ; but it is as certain, that the virtue of almost every particular man depends upon the temptations that are thrown in his way ; and according to the quantity of virtue he has, the quantity of temptation must be raised, so as at last to make it an overbalance for his virtue. Suppose then, sir, that the generality of the electors in England have virtue enough to withstand a temptation of five guineas each, but not virtue enough to withstand a temptation of ten guineas one with another ; is it not then much more probable, that the gentlemen who deal in corruption may be able to raise as much money, once every seven years, as will be sufficient to give ten guineas each, one with another, to the generality of the electors, than that they will be able to raise such a sum once in every three years ? And is it not from thence certain, that the virtue of the people in general, is in greater danger of being destroyed by septennial than by triennial parliaments ? To suppose, sir, that every man's vote at an election, is like a commodity which must be sold at the market price, is really to suppose, that no man has any virtue at all ; for I will aver, that when once a man resolves to sell his vote at any rate, he has then no virtue left, which I hope is not the case of many of our electors, and therefore the only thing we are to

apprehend is, lest so high a price should be offered as may tempt thousands to sell, who had never before any thoughts of carrying such a commodity to market. This, sir, is the fatal event we are to dread, and it is much more to be dreaded from septennial than from triennial parliaments. If we have therefore any desire to preserve the virtue of our people ; if we have any desire to preserve our constitution ; if we have any desire to preserve our liberties, our properties, and every thing that can be dear to a free people, we ought to restore the triennial law ; and if that be found to be insignificant, we ought to abolish prorogations, and return to annual elections.

The learned gentleman spoke of the prerogative of the crown, and asked us, if it had lately been extended beyond those bounds prescribed to it by law. Sir, I will not say that there has been lately any attempts to extend it beyond the bounds prescribed by law ; but I will say, that those bounds have been of late so vastly enlarged, that there seems to be no great occasion for any such attempt. What are the many penal laws made within these forty years, but so many extensions of the prerogative of the crown, and as many diminutions of the liberty of the subject ? And whatever the necessity was that brought us into the enacting of such laws, it was a fatal necessity ; it has greatly added to the power of the crown, and particular care ought to be taken not to throw any more weight into that scale. Perhaps the enacting of several of those penal laws might have been avoided. I am persuaded the enacting of the law, relating to trials for treason, not only might, but ought to have been avoided ; for though it was but a temporary law, it was a dangerous precedent ; and the rebellion was far from being so general in any county, as not to leave a sufficient number of faithful subjects, for trying those who had committed acts of treason within the county.

In former times, the crown had a large estate of its own ; an estate sufficient for supporting the dignity of the crown ; and as we had no standing armies, nor

any great fleets to provide for, the crown did not want frequent supplies; so that they were not under any necessity of calling frequent parliaments; and as parliaments were always troublesome, often dangerous to ministers, therefore they avoided the calling of any such, as much as possible. But though the crown did not then want frequent supplies, the people frequently wanted a redress of grievances, which could not be obtained but by parliament. Therefore the only complaint then was, that the crown either did not call any parliament at all, or did not allow them to sit long enough. This was the only complaint, and to remedy this, it was thought sufficient to provide for having frequent parliaments; every one of which 'twas presumed, was always to be a new parliament; for it is well known, that the method of prorogation was of old very rarely made use of, and was first introduced by those who were attempting to make encroachments upon the rights of the people.

But now, sir, the case is altered. The crown, either by ill management, or by prodigality and profuseness to its favourites, has spent or granted away all that estate; and the publick expense is so much enlarged, that the crown must have annual supplies, and is therefore under a necessity of having the parliament meet every year; but as new elections are always dangerous, as well as troublesome to ministers of state, they are for having them as seldom as possible; so that the complaint is not now for want of frequent meetings or sessions of parliament, but against having the same parliament continued too long. This is the grievance now complained of. This is what the people desire. This is what they have a right to have redressed. The members of parliament may, for one year, be looked on as the real and true representatives of the people: but when a minister has seven years to practise upon them, and to feel their pulse, they may be induced to forget whose representatives they are. They may throw off all dependance upon their electors, and may become dependants upon the crown, or rather upon the minister for the time being, which

the learned gentleman has most ingenuously confessed to us, he thinks less dangerous than a dependance upon his electors.

We have been told, sir, in this house, that no faith is to be given to prophecies, therefore I shall not pretend to prophecy ; but I may suppose a case, which, though it has not yet happened, may possibly happen. Let us then suppose, sir, a man abandoned to all notions of virtue or honour, of no great family, and of but a mean fortune, raised to be chief minister of state, by the concurrence of many whimsical events ; afraid or unwilling to trust any but creatures of his own making, and most of them equally abandoned to all notions of virtue or honour ; ignorant of the true interest of his country, and consulting nothing but that of enriching and aggrandizing himself and his favourites ; in foreign affairs, trusting none but such whose education makes it impossible for them to have such knowledge or such qualifications, as can either be of service to their country, or give any weight or credit to their negotiations. Let us suppose the true interest of the nation, by such means, neglected or misunderstood ; her honour and credit lost ; her trade insulted ; her merchants plundered ; and her sailors murdered ; and all these things overlooked, only for fear his administration should be endangered. Suppose him, next, possessed of great wealth, the plunder of the nation, with a parliament of his own choosing, most of their seats purchased, and their votes bought at the expense of the publick treasure. In such a parliament, let us suppose attempts made to inquire into his conduct, or to relieve the nation from the distress he has brought upon it ; and when lights proper for attaining those ends are called for, not perhaps for the information of the particular gentlemen who call for them, but because nothing can be done in a parliamentary way, till these things be in a proper way laid before parliament ; suppose these lights refused, these reasonable requests rejected by a corrupt majority of his creatures, whom he retains in daily pay, or engages in his particular interest, by granting them those posts

and places, which ought never to be given to any but for the good of the publick. Upon this scandalous victory, let us suppose this chief minister pluming himself in defiance, because he finds he has got a parliament, like a packed jury, ready to acquit him at all adventures. Let us further suppose him arrived to that degree of insolence and arrogance, as to domineer over all the men of ancient families, all the men of sense, figure, or fortune in the nation, and as he has no virtue of his own, ridiculing it in others, and endeavouring to destroy or corrupt it in all.

I am still not prophesying, sir ; I am only supposing ; and the case I am going to suppose I hope never will happen ; but with such a minister and such a parliament, let us suppose a prince upon the throne, either for want of true information, or for some other reason, ignorant and unacquainted with the inclinations and the interest of his people, weak, and hurried away by unbounded ambition and insatiable avarice. This case, sir, has never yet happened in this nation ; I hope, I say, it will never exist ; but as it is possible it may, could there any greater curse happen to a nation, than such a prince on the throne, advised, and solely advised, by such a minister, and that minister supported by such a parliament ? The nature of mankind cannot be altered by human laws, the existence of such a prince or such a minister, we cannot prevent by act of parliament, but the existence of such a parliament I think we may ; and as such a parliament is much more likely to exist, and may do more mischief while the septennial law remains in force, than if it were repealed, therefore I am most heartily for the repeal of it.

SPEECH OF SIR ROBERT WALPOLE,

**ON A MOTION TO REPEAL THE SEPTENNIAL BILL, DELIVERED
IN THE HOUSE OF COMMONS 1734, IN REPLY TO SIR WIL-
LIAM WYNDHAM.***

SIR,

I DO assure you, I did not intend to have troubled you in this debate ; but such incidents now generally happen towards the end of our debates, nothing at all relating to the subject, and gentlemen make such suppositions, meaning some person, or perhaps, as they say, no person now in being, and talk so much of wicked ministers, domineering ministers, ministers pluming themselves in defiances, which terms, and such like, have been of late so much made use of in this house, that if they really mean nobody either in the house or out of it, yet it must be supposed they at least mean to call upon some gentleman in this house to make them a reply ; and therefore I hope I may be allowed to draw a picture in my turn ; and I may likewise say, that I do not mean to give a description of any particular person now in being. When gentlemen talk of ministers abandoned to all sense of virtue or honour, other gentlemen may, I am sure, with equal justice, and, I think, more justly, speak of anti-ministers and mock-patriots, who never had either virtue or honour, but in the whole course of their opposition are actuated only by motives of envy, and of resentment against those who have disappointed them in their views, or may not perhaps have complied with all their desires.

But now, sir, let me too suppose, and the house being cleared, I am sure no person that hears me can come within the description of the person I am to

* Vide Preface to the preceding speech.

suppose. Let us suppose in this, or in some other unfortunate country, an anti-minister, who thinks himself a person of so great and extensive parts, and of so many eminent qualifications, that he looks upon himself as the only person in the kingdom capable to conduct the publick affairs of the nation, and therefore christening every other gentleman who has the honour to be employed in the administration, by the name of Blunderer. Suppose this fine gentleman lucky enough to have gained over to his party some persons really of fine parts, of ancient families, and of great fortunes, and others of desperate views, arising from disappointed and malicious hearts; all these gentlemen, with respect to their political behaviour, moved by him, and by him solely; all they say, either in private or publick, being only a repetition of the words he has put into their mouths, and a spitting out of that venom which he has infused into them; and yet we may suppose this leader not really liked by any, even of those who so blindly follow him, and hated by all the rest of mankind. We will suppose this anti-minister to be in a country where he really ought not to be, and where he could not have been but by an effect of too much goodness and mercy, yet endeavouring, with all his might and with all his art, to destroy the fountain from whence that mercy flowed. In that country suppose him continually contracting friendships and familiarities with the ambassadours of those princes who at the time happen to be most at enmity with his own; and if at any time it should happen to be for the interest of any of those foreign ministers to have a secret divulged to them, which might be highly prejudicial to his native country, as well as to all its friends; suppose this foreign minister applying to him, and he answering, I will get it you, tell me but what you want, I will endeavour to procure it for you: upon this he puts a speech or two in the mouths of some of his creatures, or some of his new converts; what he wants is moved for in parliament, and when so very reasonable a request as this is refused, suppose him and his creatures

and tools, by his advice, spreading the alarm over the whole nation, and crying out, gentlemen, our country is at present involved in many dangerous difficulties, all which we would have extricated you from, but a wicked minister and a corrupt majority refused us the proper materials; and upon this scandalous victory, this minister became so insolent as to plume himself in defiance. Let us further suppose this anti-minister to have travelled, and at every court where he was, thinking himself the greatest minister, and making it his trade to betray the secrets of every court where he had before been; void of all faith or honour, and betraying every master he ever served. I could carry my suppositions a great deal further, and I may say I mean no person now in being; but if we can suppose such a one, can there be imagined a greater disgrace to human nature than such a wretch as this?

Now, to be serious, and to talk really to the subject in hand. Though the question has been already so fully and so handsomely opposed by my worthy friend under the gallery, by the learned gentleman near me, and by several others, that there is no great occasion to say any thing further against it; yet as some new matter has been stated by some of the gentlemen who have since that time spoke upon the other side of the question, I hope the house will indulge me the liberty of giving some of those reasons which induce me to be against the motion. In general I must take notice, that the nature of our constitution seems to be very much mistaken by the gentlemen who have spoken in favour of this motion. It is certain, that ours is a mixed government, and the perfection of our constitution consists in this, that the monarchical, aristocratical, and democratical forms of government are mixed and interwoven in ours, so as to give us all the advantages of each, without subjecting us to the dangers and inconveniences of either. The democratical form of government, which is the only one I have now occasion to take notice of, is liable to these inconveniences, that they are generally too tedious in

their coming to any resolution, and seldom brisk and expeditious enough in carrying their resolutions into execution. That they are always wavering in their resolutions, and never steady in any of the measures they resolve to pursue; and that they are often involved in factions, seditions, and insurrections, which exposes them to be made the tools, if not the prey of their neighbours. Therefore in all the regulations we make, with respect to our constitution, we are to guard against running too much into that form of government which is properly called democratical: this was, in my opinion, the effect of the triennial law, and will again be the effect, if ever it should be restored.

That triennial elections would make our government too tedious in all their resolves is evident; because in such case, no prudent administration would ever resolve upon any measure of consequence, till they had felt not only the pulse of the parliament, but the pulse of the people; and the ministers of state would always labour under this disadvantage, that as secrets of state must not be immediately divulged, their enemies (and enemies they will always have) would have a handle for exposing their measures, and rendering them disagreeable to the people, and thereby carrying perhaps a new election against them, before they could have an opportunity of justifying their measures, by divulging those facts and circumstances from whence the justice and the wisdom of their measures would clearly appear.

Then it is by experience well known, that what is called the populace of every country, are apt to be too much elated with success, and too much dejected with every misfortune. This makes them wavering in their opinions about affairs of state, and never long of the same mind. And as this house is chosen by the free and unbiassed voice of the people in general, if this choice were so often renewed, we might expect, that this house would be as wavering and as unsteady as the people usually are. And it being impossible to carry on the publick affairs of the nation without the

concurrence of this house, the ministers would always be obliged to comply, and consequently would be obliged to change their measures as often as the people changed their minds.

With septennial parliaments we are not exposed to either of these misfortunes, because, if the ministers after having felt the pulse of the parliament, which they can always soon do, resolve upon any measures, they have generally time enough before the new election comes on, to give the people a proper information, in order to show them the justice and the wisdom of the measures they have pursued. And if the people should at any time be too much elated, or too much dejected; or should without a cause change their minds, those at the helm of affairs have time to set them right, before a new election comes on.

As to faction and sedition, I will grant, that in monarchical and aristocratical governments, it generally arises from violence and oppression; but in democratical governments, it always arises from the people's having too great a share in the government. For in all countries, and in all governments, there always will be many factious and unquiet spirits, who can never be at rest, either in power or out of power. When in power they are never easy, unless every man submits entirely to their direction; and when out of power, they are always working and intriguing against those that are in, without any regard to justice, or to the interest of their country. In popular governments such men have too much game; they have too many opportunities for working upon and corrupting the minds of the people, in order to give them a bad impression of, and to raise discontents against those that have the management of the publick affairs for the time; and these discontents often break out into seditions and insurrections. This would, in my opinion, be our misfortune, if our parliaments were either annual or triennial. By such frequent elections, there would be so much power thrown into the hands of the people, as would destroy that equal mixture, which is the beauty of our constitution. In short,

our government would really become a democratical government, and might from thence very probably diverge into a tyrannical. Therefore, in order to preserve our constitution, in order to prevent our falling under tyranny and arbitrary power, we ought to preserve that law, which I really think has brought our constitution to a more equal mixture, and consequently to a greater perfection than it was ever in before that law took place.

As to bribery and corruption, if it were possible to influence, by such base means, the majority of the electors of Great Britain, to choose such men as would probably give up their liberties; if it were possible to influence, by such means, a majority of the members of this house to consent to the establishment of arbitrary power, I should readily allow, that the calculations made by the gentlemen of the other side were just, and their inference true. But I am persuaded that neither of these is possible. As the members of this house generally are, and must always be, gentlemen of fortune and figure in their country, is it possible to suppose, that any of them could by a pension or a post be influenced to consent to the overthrow of our constitution, by which the enjoyment, not only of what he got, but of what he before had, would be rendered altogether precarious? I will allow, that with respect to bribery, the price must be higher or lower, generally in proportion to the virtue of the man who is to be bribed; but it must likewise be granted that the humour he happens to be in at the time, and the spirit he happens to be endowed with, adds a great deal to his virtue. When no encroachments are made upon the rights of the people, when the people do not think themselves in any danger, there may be many of the electors, who, by a bribe of ten guineas, might be induced to vote for one candidate rather than another; but if the court were making any encroachments upon the rights of the people, a proper spirit would, without doubt, arise in the nation, and in such a case I am persuaded that none, or very few,

even of such electors, could be induced to vote for a court candidate : no not for ten times the sum.

There may be some bribery and corruption in the nation, I am afraid there will always be some. But it is no proof of it that strangers are sometimes chosen ; for a gentleman may have so much natural influence over a borough in his neighbourhood, as to be able to prevail with them to choose any person he pleases to recommend. And if upon such recommendation they choose one or two of his friends, who are perhaps strangers to them, it is not from thence to be inferred, that the two strangers were chosen their representatives by the means of bribery and corruption.

To insinuate that money may be issued from the publick treasury for bribing elections, is really something very extraordinary, especially in those gentlemen who know how many checks are upon every shilling that can be issued from thence ; and how regularly the money granted in one year for the service of the nation, must always be accounted for the very next sessions in this house, and likewise in the other, if they have a mind to call for any such account. And as to gentlemen in offices, if they have any advantage over country gentlemen, in having something else to depend on besides their own private fortunes, they have likewise many disadvantages : they are obliged to live here at London with their families, by which they are put to a much greater expense, than gentlemen of equal fortune who live in the country. This lays them under a very great disadvantage in supporting their interest in the country. The country gentleman, by living among the electors, and purchasing the necessaries for his family from them, keeps up an acquaintance and correspondence with them, without putting himself to any extraordinary charge ; whereas a gentleman who lives in London, has no other way of keeping up an acquaintance and correspondence among his friends in the country, but by going down once or twice a year, at a very extraordinary expense, and often without any other business ; so that we may

conclude, a gentleman in office cannot, even in seven years, save much for distributing in ready money at the time of an election. And I really believe, if the fact were narrowly inquired into, it would appear, that the gentlemen in office are as little guilty of bribing their electors with ready money, as any other set of gentlemen in the kingdom.

That there are ferments often raised among the people without any just cause, is what I am surprised to hear controverted, since very late experience may convince us of the contrary. Do not we know what a ferment was raised in the nation towards the latter end of the late queen's reign? And it is well known what a fatal change in the affairs of this nation was introduced, or at least confirmed, by an election coming on while the nation was in that ferment. Do not we know what a ferment was raised in the nation soon after his late majesty's accession? And if an election had then been allowed to come on while the nation was in that ferment, it might perhaps have had as fatal effects as the former; but, thank God, this was wisely provided against by the very law which is now wanted to be repealed.

It has, indeed, been said, that the chief motive for enacting that law, now no longer exists. I cannot admit that the motive they mean was the chief motive; but even that motive is very far from having entirely ceased. Can gentlemen imagine, that in the spirit raised in the nation not above a twelvemonth since, Jacobitism and disaffection to the present government had no share? Perhaps some who might wish well to the present establishment did cooperate; nay, I do not know but they were the first movers of that spirit; but it cannot be supposed that the spirit then raised should have grown up to such a ferment, merely from a proposition which was honestly and fairly laid before the parliament, and left entirely to their determination! No, the spirit was perhaps, begun by those who are truly friends to the illustrious family we have now upon the throne; but it was raised to a much greater height than, I believe, even they designed, by

Jacobites, and such as are enemies to our present establishment, who thought they never had a fairer opportunity of bringing about what they have so long and so unsuccessfully wished for, than that which had been furnished them by those who first raised that spirit. I hope the people have now in a great measure come to themselves, and therefore I doubt not but the next elections will show, that when they are left to judge coolly, they can distinguish between the real and the pretended friends to the government. But I must say, if the ferment then raised in the nation had not already greatly subsided, I should have thought a new election a very dangerous experiment. And as such ferments may hereafter often happen, I must think that frequent elections will always be dangerous; for which reason, in so far as I can see at present, I shall, I believe, at all times think it a very dangerous experiment to repeal the septennial bill.

1. The first part of the document is a list of names and addresses of the members of the committee.

MR. SANDYS'S SPEECH,

IN THE HOUSE OF COMMONS, ON HIS MOTION TO ADDRESS HIS
MAJESTY FOR THE DISMISSAL OF SIR ROBERT WALPOLE.

NO one, perhaps, who has held a distinguished rank in the councils of Britain experienced more obloquy and persecution than Sir Robert Walpole. It was his fate to encounter, in his long ministerial career, an opposition not less powerful in talent, than considerable in numbers, who arraigned his publick conduct with a violence of censure, and assailed his private character with a virulence of aspersion that have scarcely a parallel in the licentiousness of political contention.

It is not difficult to account for this exasperated hostility against him. During the period of his administration the people were pretty nearly divided into two parties, entertaining principles of domestick as well as foreign policy, which, from their wide and essential difference, could not be reconciled.

Sir Robert Walpole had the support of all the weight of regal influence, and was also deeply entrenched in the confidence and attachment of the friends of the protestant succession. To sap authority thus strongly fortified, the opposite party seized on the most popular grounds, and unweariedly endeavoured to render the administration odious by representing the minister in a light the best calculated to alarm the jealousy and to excite the apprehensions of the nation.

In the passionate invective of his enemies, he was exhibited to popular detestation as a desperate adventurer battenning on the spoils of a treasury impoverished by the drains of his rapacious peculations, and who by an uninterrupted system of criminal and corrupt conduct had vitiated publick morality, extinguished publick spirit, stopped the current of national prosperity, abridged the power, and tarnished the lustre and glory of the British name.

This is not the place, nor are we disposed to enter at large in defence of sir Robert Walpole. It may however be permitted to us transiently to remark that posterity, at least the enlightened portion of it, has already acquitted him of these foul charges, and raised him to a high and honourable renown. The earl of Chatham, once the bitterest of his foes, had the honesty in the decline of his life to recant his former sentiments, and publickly to pronounce an eulogy on the minister and the man. Edmund Burke, more recently did the same, and with even less qualification of praise. The younger Pitt, who not improperly as a minister, has sometimes been compared to him, often avowed an admiration of his talents, and extolled the wisdom of his administration.

These commendations we have particularly selected as proceeding not from any indulgent or overweening partiality to the memory of sir Robert Walpole, but rather as extorted by a sense of candour and truth in the great men by whom they were bestowed, against the settled habit of their opinions, and the force of their early prejudices.

At the meeting of parliament in 1740, the opposition availing themselves of the discontents which prevailed throughout the country, determined to address the throne for the dismissal of sir Robert Walpole. This duty was confided to Mr. Sandys, a zealous partisan and an eloquent debater, who accordingly in the house of commons apprized the minister of the intended motion.

On receiving the intimation, which was totally unexpected, he immediately arose, and with becoming

dignity and composure replied "That as he was conscious of no crime, he had no doubt of being able to make a proper defence, and laying his hand on his breast he cited the appropriate lines :

———"Hic murus aheneus esto,
"Nil conscire sibi, nulla pallescere culpa."

We insert the speeches, on this occasion, both of Mr. Sandys and sir Robert Walpole. They will be found instructive as documents of history, and not barren of rhetorical pretensions. The reply of the minister is a masterly vindication of himself. In this light it must have been considered by the house at the time, for the motion was negatived by a larger than the usual majority. The general style of Walpole's eloquence "is plain, perspicuous, forcible and manly, not courting, yet, not always avoiding metaphorical, ornamental, and classical allusions." But his chief excellence as a parliamentary speaker consisted in quickness of apprehension, sharpness of reply, and in the dexterity and promptitude with which he turned the arguments of his adversaries against themselves. By his contemporaries he is said sometimes to have aspired to the first order of eloquence. The speech, delivered in his defence, we think, one of the happiest of his productions which have descended to us. There can be no doubt of its authenticity, having been discovered in his own writing, among his papers.

SPEECH, &c.

SIR,

AMONG the many advantages arising from our happy form of government, there is one which is reciprocal to king and people, which is, a legal and regular method by which the people may lay their grievances, complaints, and opinions, before their sovereign, not only with regard to the measures he pursues, but also with regard to the persons he employs. In absolute monarchies, the people may suffer, they may complain, but though their sufferings be publick,

their complaints must be private. They must not so much as murmur against their king's measures or ministers. If they do, it is certain perdition to the few that are guilty of so much indiscretion. This is a most terrible misfortune to the people in all absolute monarchies, and occasions those severe punishments and cruel tortures, which are so frequent in all such ; but it is a misfortune to the absolute monarch, as well as to the people under his despotick sway ; for as he has no way of coming at the knowledge of the unpopularity of his measures or ministers, he often goes on pursuing the same measures, or employing the same ministers, till the discontents of his people become universal and furious ; and then, by a general insurrection, he and his ministers are involved in one common ruin. However upright his intentions may have been, however much he may have been imposed on by his ministers, an impetuous, domineering mob can seldom make any difference. The despotick monarch himself, and sometimes his whole family, are born down by the impetuosity of the torrent, and become a sacrifice to the resentment of an injured populace.

In this kingdom, sir, it can never be so, as long as the king allows parliaments to sit regularly and freely, and the members of this house perform faithfully the duty they owe to their king, their constituents, and their country. As members of this house, sir, we are obliged to represent to his majesty, not only the grievances, but the sentiments of the people, with regard to the measures he pursues, and the persons he advises with, or employs, in the executive part of our government ; and therefore, whilst we sit here and do our duty, no general discontent can arise, without his majesty's being informed of its causes, and of the methods for allaying it. If we neglect to do so, or from selfish motives abstain or delay giving his majesty a proper information and advice upon any such occasion, we neglect or betray not only our duty to our country and constituents, but also our duty to our sovereign.

This, sir, is my opinion ; this must be the opinion of every man, who has a true notion of our constitution, and therefore I can no longer delay making you the motion, with which I shall conclude what I have to say upon this occasion. I believe, there is not a gentleman of this house, who is not sensible, that both the foreign and domestick measures of our government, for several years past, have been dissatisfactory to a great majority of the nation, I may say to almost every man in the nation, who has not been concerned in advising or carrying them on. I believe, there is not a gentleman in this house, if he will freely declare his sentiments, who is not sensible, that one single person in the administration has not only been thought to be, but has actually been the chief, if not the sole adviser and promoter of all those measures. This is known without doors, as well as it is within, and therefore the discontents, the reproaches, and even the curses of the people, are all directed against that single person. They complain of our present measures ; they have suffered by past measures ; they expect no redress ; they expect no alteration or amendment, whilst he has a share in advising or directing our future. These, sir, are the sentiments of the people with regard to that minister. These sentiments we are in honour and duty bound to represent to his majesty ; and the proper method for doing this, as established by our constitution, is to address his majesty to remove him from his councils.

Sir, if the general discontent, which hath arisen against this minister, were but of yesterday, or without any just and solid foundation, I should expect it would soon blow over, and therefore should not think it worthy of the notice of parliament ; but it has lasted for so many years, was at first so well founded, and has every year since been gathering, from his conduct, so much additional strength, that I have for several sessions expected such a motion, as I am now to make, from some other gentleman, more capable than I am to enforce what he proposes ; but as no

gentleman has hitherto attempted it, and as this is the last session of this parliament, I was unwilling it should expire without answering the people's expectations, which, in this respect, are so just, so well founded, and so agreeable to our constitution; therefore, I hope I shall be excused for attempting what I think my duty, as a member of this house, and as a friend to our present happy establishment.

After what I have said, sir, I believe no gentleman can mistake the person I mean. I am convinced every one supposes I mean the honourable gentleman, who sits upon the floor, over-against me; and the whole house may see, he takes it to himself. Against him, there is, I believe, as general a popular discontent, as ever was against any minister in this kingdom; and this discontent has lasted so long, that I must say, his having withstood it for so many years, is no great sign of the freedom of our government; for a free people neither will nor can be governed by a minister they hate or despise. As I am only to propose an address to remove him from his majesty's councils, I have no occasion to accuse him of any crime. The people's being generally dissatisfied with him, and suspicious of his conduct, is a sufficient foundation for such an address, and a sufficient cause for his majesty's removing him from his councils; because, no sovereign of these kingdoms ought to employ a minister, who is become disagreeable to the generality of the people. And when any minister happens to become so, it is our duty to inform his majesty of it, that he may give satisfaction to his people, by the removal of such a minister.

However, sir, though I shall not at present charge this minister with any particular crime, I must beg leave to examine a little into his conduct, in order to show, that the discontents of the people are not without foundation; and if it be true, what was and is still generally supposed, it must be allowed, that the methods, by which he first advanced himself to the high offices he has ever since enjoyed, were such as could not but be offensive to every honest man in the

nation. The making and unmaking the famous bank contract; the screening from condign punishment those who, by their wicked and avaricious execution of the trust reposed in them by the South Sea scheme, had ruined many thousands. The lumping of publick justice, and subjecting the less guilty to a punishment too severe, in order that the most heinous offenders might escape the punishment they deserved; and the giving up to the South Sea company the sum of seven millions sterling, which they had obliged themselves to pay to the publick, a great part of which sum was given to old stockholders, and consequently to those who had never suffered by the scheme; were the steps by which he was supposed to have risen to power, and such steps could not but raise a general distaste at his advancement, and a dread of his administration.

Thus, sir, he entered into the administration with the general disapprobation of the people; and, I am sure, his measures since have been far from restoring him to their love or esteem. As he began, so he has gone on, oppressing the innocent, imposing upon the credulous, screening the guilty, wasting the publick treasure, and endangering the liberties of the people. All this I could evince from every step of his administration, from the beginning to this very day; but I shall confine myself to some general observations, and some of the most remarkable instances. In general I shall observe, that by his advice and influence a much greater army has all along been kept up than was necessary for the support of our government, or consistent with our constitution, and even that army often augmented without any real cause: That many squadrons have been fitted out, to the great expense of the nation, and general disturbance of our trade, without any just cause, and, I believe, without so much as a design to employ them effectually, either against our enemies, or for the assistance of our allies: That every method proposed of late years for securing our constitution against its most dangerous enemy, corruption, has been by his

measures rejected, or rendered ineffectual; whilst on the other hand, many penal laws have been passed, which have reduced a great number of his majesty's subjects under the arbitrary power of a minister and his creatures: That almost every article of publick expense has been increased by the addition of new and useless officers; and all inquiries into the management of any publick money, either prevented or defeated: That votes of credit at the end of a session of parliament, which have always been thought of dangerous consequence to our constitution, have by him been made so frequent, that few sessions have passed without one. That the expense of the civil list has been vastly increased since the beginning of his administration, though it was then much greater than it had ever amounted to in former times. To these, sir, which are all of a domestick nature, I shall add, with regard to our foreign affairs, that ever since his advice began to be prevalent in our foreign affairs, the trade and particular interest of this nation have in all treaties and negotiations been neglected, the confidence of our most natural allies disregarded, and the favour of our most dangerous enemies courted; and that to this most unaccountable conduct, the present melancholy situation of the affairs of Europe is principally to be ascribed.

I know, sir, it will be objected, that as every material step in the late conduct of our publick affairs, either at home or abroad, has been authorized or approved of by parliament, what I have said, must be looked on as a general charge against his majesty's councils and our parliaments, rather than as a personal charge against any one minister. But this upon a due consideration becomes the most heavy, and the most evident charge against the minister I aim at. According to our constitution, we can have no sole and prime minister. We ought always to have several prime ministers or officers of state. Every such officer has his own proper department; and no officer ought to meddle in the affairs belonging to the department of another. But it is publickly known, that

this minister having obtained a sole influence over all our public councils, has not only assumed the sole direction of all public affairs, but has got every officer of state removed that would not follow his direction, even in the affairs belonging to his own proper department. By this means he has monopolized all the favours of the crown, and engrossed the sole disposal of all places, pensions, titles, and ribbons, as well as of all preferments, civil, military or ecclesiastical.

This, sir, is of itself a most heinous offence against our constitution; but he has greatly aggravated the heinousness of this crime; for having thus monopolized all the favours of the crown, he has made a blind submission to his direction at elections and in parliament, the only ground to hope for any honours or preferments, and the only tenure by which any gentleman could preserve what he had. This is so notoriously known, that it can stand in need of no proof. Have not many deserving gentlemen been disappointed in the preferment they had a just title to, upon the bare suspicion of not being blindly devoted to his personal interest? Have not some persons of the highest rank and most illustrious characters been displaced for no other reason than because they disdained to sacrifice their honour and conscience to his direction in parliament? As no crime, no neglect, no misbehaviour could ever be objected to them, as no other reason could ever be assigned for depriving the crown of their service, this only could be the reason. Nay, has not this minister himself not only confessed it, but boasted of it? Has he not said, and in this house too, that he would be a pitiful fellow of a minister who did not displace any officer that opposed his measures in parliament?

Can any gentleman who heard this declaration desire a proof of the minister's misconduct, or of his crimes? Was not this openly avowing one of the most heinous crimes that can be committed by a minister in this kingdom? Was it not avowing that he

had made use of the favours of the crown for obtaining a corrupt majority in both houses of parliament; and keeping that majority in a slavish dependance upon himself alone? Do not we all know, that even the king himself is not, by our constitution, to take notice of any man's behaviour in parliament; far less to make that behaviour a means by which he is to obtain, or a tenure by which he is to hold, the favour of the crown? And shall we allow a minister not only to do, but openly to avow, what he ought to be hanged for, should he advise his sovereign to do? It is by means of this crime, sir, that the minister I am speaking of has obtained the authority or approbation of parliament in every step of his conduct, and therefore that authority or approbation is so far from being an alleviation, that it is a most heavy aggravation of every wrong step which he has thus got authorized or approved of by parliament. For this reason, in considering any particular step of his conduct, its being authorized or approved by parliament, can have no weight in his favour, whatever it may have against him. If the step was in itself weak or wicked, or if it now appears from its consequences to have been so, its having been approved of, or authorized by parliament, must be supposed to have proceeded either from his having misled the parliament by false glosses and asseverations, or from his having overawed a majority by means of that crime which he has since openly avowed.

Having thus obviated an objection that may be made against any particular accusation, as well as against the general accusations I have already mentioned, I shall just hint at some of the particular branches of misconduct he has been guilty of in the long course of his administration; and among these the small progress we have made in the discharge of our publick debt most justly deserves the first place. It is really surprising, that the national debt should now be as much, if not more than it was in the year 1725, when our minister first took it into his head

to pull down the overgrown power of the house of *Austria*. In the year 1716, the publick debt was computed to amount to no more than 47,894,950*l*. but by some articles then omitted, and by many extraordinary allowances afterwards made, especially those relating to army debentures, in which this gentleman had a very remarkable share, the publick debt as it then stood was made to amount to 51,000,000*l*. Of this sum there was, in or before the year 1725, paid off about 5,000,000*l*. which reduced it to 46,000,000*l*. and as the sinking fund was to receive a great addition in the year 1727, by the reduction of interest, we had a prospect of having a great part of our publick debts paid off in a few years, especially as the tranquillity of Europe, or at least of this nation, seemed to be established by the treaty concluded that year at Vienna, between the emperor and the king of Spain. But our minister was, it seems, sensible of the power and influence he acquired by means of this load of debt, and by the many taxes imposed for the payment of it. He knew that these taxes, while they continue, must always make a great number of officers and placemen necessary, and as he had the placing, preferring, and displacing of all these officers at his arbitrary will and pleasure, he knew what weight this gave to his influence, both at elections and in parliament. For this reason, he has employed all his art to prevent our being able to pay off any part of our old debt, or if we paid off with one hand, he has taken care to make us contract as much with the other ; so that the national debt is now 'much about the same, or rather more than it was in the year 1725, though the nation has never, in all that time, been involved in any extraordinary expense, but what has been unnecessarily brought upon it by his art or misconduct.

I say, sir, his art or misconduct, either of which is certainly a most sufficient cause to remove him from his majesty's councils ; but I am apt to believe, there was something of art or design, as well as misconduct in it ; for he really seems to have been afraid of

having our debts diminished, for fear of the consequence, which must have been that of abolishing some of our most burthensome and pernicious taxes; otherwise it was impossible he could have taken so much pains as he did, to defeat a scheme offered a few years since by a worthy member of this house,* for reducing the interest payable upon the national debt, and for putting the whole upon a certain footing of being discharged in a course of years, without its being in the power of any such minister as he to prevent it. To find fault with the defeating of this scheme, may likewise be said to be an accusation brought against this very parliament; but it is well known by whom, and by whose influence it was defeated. I am pretty sure, it is the general opinion without doors, that it was not by the influence of argument; but if the defeat was owing to that influence, as I hope it was, I am convinced, that most of those who were swayed by that influence, are now sensible of their error, and heartily wish they had considered better of it: for I am afraid, we shall never again meet with so favourable an opportunity.

But, sir, the next step of misconduct I shall take notice of is of a different nature; it is a step that happened not to meet with the approbation of parliament, though I do not question its having been supported and enforced by all the methods usual, of late years, in such cases. I make no doubt but that every one, who possessed or hoped for any place or office under the crown, were threatened with a disappointment to their hopes, or the loss of the places they possessed, if they voted against it; and my reason for not doubting of this is, because several noblemen and gentlemen were the very next year turned out of every place the crown could take from them, for no other apparent reason, but because they or their friends voted against that ministerial project; and so far as I can recollect, I do not remember, that any one who voted against it, has ever since ob-

* Sir John Barnard.

tained a favour from the crown, unless it be such, as have by their conduct since, shown that they heartily repented of their stubbornness at that time. I believe, every one that hears me will suppose, I mean the excise scheme, which was certainly one of the weakest, or one of the wickedest projects that was ever set on foot, or countenanced, by any minister in this kingdom. If our minister was sensible of the great power that scheme would have placed in the hands of a minister, and had really formed a design to overturn by that means the liberties of the people, he ought to be not only removed, but punished for his wickedness; and if he was not sensible of the danger that would accrue from that scheme to our constitution, if he had really no view, but the precarious hope of thereby making a little addition to the publick revenue, particularly the civil list, I must say, his weakness was amazing; for it showed, that he neither understood the genius of our constitution, nor the genius of our people. If he had understood the genius of our constitution, he could not but be sensible of the destructive effects that scheme must necessarily have had upon it: if he had understood the genius of our people, it is impossible to suppose, he would have advised his majesty to have forfeited the affections of the whole people, for the sake of making an uncertain, and at best, but a trifling addition to the publick, or the civil list, revenue.

Thus, sir, if he had never been guilty of any other crime or oversight, for this project alone he deserves at least to be removed from his majesty's councils; and the resentment he showed against those, who voted against this his favourite scheme, is a proof of what he now publicly avows, that he has made use of, that he will make use of the favours of the crown, for obtaining a corrupt majority in both houses of parliament. What happened upon this occasion, is an evident demonstration, that he has by such means already got, in a great measure, the nomination of the sixteen peers to represent the peerage of Scotland in the other house of parliament. We may remem-

ber, that seven or eight of the sixteen, who then sat in the other house, declared openly against this scheme, and prevailed with most of their friends in this, to vote against it. What was the consequence? Every one of them, though they had great personal interest among the peers of Scotland, were, at the next election, excluded by this minister's interest from being rechosen; and every one of them that enjoyed any post during the pleasure of the crown, had the honour to be dismissed his majesty's service; I say, the honour, because, in such a case, I think it is the greatest honour the crown can bestow.

It would be endless, sir, to recount every false step this minister has made in the conduct of our domestick affairs, and therefore I shall mention only one more, which is the seeming approbation he procured, but two years ago, from parliament, of that convention which he had just before concluded with Spain. As the convention itself relates to our foreign affairs, I shall not here enter into the merits of it. I shall here consider only the method he took to obtain a seeming approbation of it from parliament, which was by the strongest asseverations, that the Spanish court was sensible of its having been in the wrong to this nation, that its agreeing to pay 200,000*l.* as he reckoned it, to us in name of damages, was an acknowledgment of its having been in the wrong; and that his catholick majesty and his ministers were strongly and sincerely inclined to do us justice, with regard to the future security of our trade and navigation in the American seas; from whence he concluded that though we had not got all we might expect by the convention, which was but a preliminary treaty, yet it was a good foundation to build on, and might probably, if the house agreed to the address then moved for, produce a solid and lasting peace; whereas, if the address should be disagreed to, the immediate consequence would be a war with Spain.

I may appeal, sir, almost to every gentleman that hears me, if this was not the strength of the argument in favour of that address. I may appeal to

many that voted for it, if their depending upon the truth of these asseverations was not the only reason for their agreeing to so much as a seeming approbation of that infamous convention; but from the consequences, and likewise from the papers, imperfect as they are, laid before us, it now appears, that there was not the least ground for any of these asseverations. It appears, that Spain insisted upon having our navigation in the American seas regulated, that is to say, they insisted it should not be free. That Spain insisted upon our South Sea company's paying them a most unjust demand of 68,000*l.* which reduced the sum they were to pay us by the convention, to 27,000*l.* and this was not near the value of the ships they had before acknowledged to have been unjustly taken from us, and had actually despatched orders to the West Indies for their restitution, as appears upon the face of the convention itself; so that their agreeing to pay this sum was far from being even a tacit acknowledgment of their having no right to stop and search our ships upon the high seas, and to seize and confiscate them, if they had any of those goods on board, which the Spaniards are pleased to call contraband. It was only an acknowledgment, that some of our ships had been, even upon this footing, unjustly seized, which the Spanish court had expressly acknowledged, long before the convention was thought of. These, sir, were the terms the Spaniards insisted on; and they further insisted, as now plainly appears, that we should keep no squadron at Gibraltar or Port Mahon, notwithstanding their being now a part of the British dominions; from whence they would, I suppose, have taken occasion in a short time to insist, against us at least, that they had a dominion over the Mediterranean, as well as the American seas, and that our ships should not sail in the former no more than in the latter, but by their leave, and according to such directions, or, if you please, regulations, as they should prescribe.

These, I say, sir, were the terms of peace the Spaniards insisted on. Unless we should agree to

these hard and dishonourable terms, the Spanish court never showed the least inclination to live in peace with us, as appears from the whole tenour of our negotiations previous to the convention. Can we suppose, that our prime and sole minister was ignorant of this? Can we suppose, that he believed or imagined, that a safe and honourable peace could be concluded with Spain upon the footing of the convention, or upon any other footing, whilst they continued to insist upon such conditions? What then can we think of the argument he made use of for obtaining from parliament a sort of approbation of his convention? Must not we conclude, that for this purpose he asserted what he knew to be false? And shall we suffer a man to sit, and to bear the chief sway in the councils of our sovereign, who, in order to impose a dishonourable treaty upon his king and country, asserted in open parliament what he knew to be absolutely false?

I shall now beg leave, sir, to take notice of some of the most remarkable errors, if not crimes, in our minister's conduct, with regard to foreign affairs. Here too his administration began with a measure that could not but be disagreeable to the people, because it was dishonourable to the nation. It began with a treaty of peace with Spain, by which we agreed to restore the ships we had taken from that nation in an open and just war; and with a negotiation, I shall not say an engagement, to restore Gibraltar and Port Mahon, without stipulating any thing for the advantage of this nation, or obtaining an explanation of those treaties, which even then had begun to be misrepresented on the part of Spain. Soon after this, he entered into that close friendship and correspondence with the court of France, which, to the infinite disadvantage of this nation, has continued ever since, and which has now at last brought the balance of power into the utmost danger, if not to inevitable ruin. But the most remarkable and the most pernicious of all his pernicious measures was, the conceit he took into his head in the year 1725, that the house

of Austria was grown too powerful, and ought therefore to be pulled down. This conceit, whether his own, or of French original, made him infuse into his late majesty those frightful notions of the dangerous but impracticable engagements, which the emperor and Spain had entered into, by the treaty concluded between them at Vienna in that year; and this produced the treaty of Hanover, which loaded this nation with the expense of several useless squadrons, a great addition of useless regular troops, and which was the most useless of all, a great body of Hessian troops for several years, and large subsidies to foreign princes, whilst our allies the French, who had certainly more to fear than we had, from that conjunction between the courts of Vienna and Madrid, neither put themselves to any expense, nor picked any quarrels either with Spain or the emperor; but pursued their trade in safety, during the time that our trade to Spain was intirely stopt, and our trade to every other part of the world interrupted by Spanish privateers, fitted out and manned by French subjects.

I need not mention particularly the several negotiations, preliminaries, pacifications, conventions and treaties, which this treaty of Hanover gave birth to: for every negotiation we have carried on, and every treaty we have concluded since that time, may be said to proceed from that original; and every one of them may justly be called a true copy of the original. They have been a perfect series of blunders, and, like a nest of pill boxes from Germany, seem to be enclosed in one another, with nothing but emptiness in any of them; for I defy any man to show me one advantage this nation has reaped from any treaty we have negotiated for twenty years past. From the last treaty, indeed, I mean the convention, it may be said, we have reaped some advantage, because it forced us into a war, which is certainly more eligible than the destructive and dishonourable method of negotiation we had for so many years before been involved in; and this war might have been attended with a real advantage, if our minister had thought fit to push it,

either with vigour or common discretion ; but in the prosecution of the war he has acted, if possible, more weakly or more wickedly, than he did in time of peace. In time of peace he made us become the scoff of the nations around us, by the tediousness and the perplexity of his negotiations. In time of war, he has made us an object of scorn to our enemies, and an object of pity to our friends, by the vastness of his preparations and the pusillanimity of his actions. Our trade has been both oppressed and neglected for the sake of fitting out mighty squadrons, and our squadrons have been sent out, either with orders to do nothing, or without materials proper for doing any thing. By this conduct, sir, our enemies have been enriched with our spoils, and our own people oppressed with armies, which either should not have been raised, or should have been sent out to vindicate the honour of their country. Shall we in this house sit still, and see the councils of our sovereign directed by a minister, who has thus, both in peace and war, exposed our country to scorn and derision ?

I beg pardon, sir, for taking up so much of your time : but the subject is so copious, that it is difficult to pick out those facts that are most proper to be mentioned ; and every part of his long administration is full of such oppressive and dangerous schemes, or such unaccountable blunders, that it is not easy for one who has a true regard for his king and country, to pass any of them over in silence. I have mentioned but a few. What I have mentioned will show that the discontents of the people are far from being groundless ; but suppose they were, they would nevertheless be a sufficient foundation for the address I am to propose ; for no man who has been so unfortunate, as to incur the publick hatred, ought to have any share in his majesty's confidence or councils. If his majesty were sensible of it, I am sure, he has such a regard for the affections of his people, that he would not allow such a man to approach his person or palace ; and as it is our duty to inform his majesty, how de-

testable this minister is to the majority of his people, we ought to take the proper way for giving our sovereign this information, which is by addressing him to remove such a minister from his councils.

But further, sir, suppose this minister had never been guilty of any crime, error, or oversight in his publick conduct; suppose the people had all along been perfectly pleased with his administration, yet the very length of it is, in a free country, sufficient cause for removing him. It is a most dangerous thing in a free government, to allow any man to continue too long in the possession of great power. Most commonwealths have been overturned by this very oversight; and in this country, we know how difficult it has often proved, for our parliament to draw an old favourite from behind the throne, even when he has been guilty of the most heinous crimes. I wish this may not be our case at present; for though I shall not say, nor have I at present any occasion for showing that the favourite I am now complaining of has been guilty of heinous crimes, yet I will say, that there is a very general suspicion against him, that this suspicion is justified by the present situation of our affairs both at home and abroad, and that it is ridiculous to expect, that any proper discovery should be made, as long as he is in possession of all the proofs, and has the distribution of all the penalties the crown can inflict, as well as of all the favours the crown can bestow. Remove him from the king's councils and presence; remove him from those high offices and power he is now possessed of, if he has been guilty of any crimes, the proofs may then be come at, and the witnesses against him will not be afraid to appear. Till you do this, it is impossible to determine, whether he is guilty or innocent; and, considering the universal clamour against him, it is high time to reduce him to such a condition, as that he may be brought to a fair, an impartial, and a strict account. If he were conscious of his being entirely innocent, and had a due regard to the security and glory of his master and sovereign, he would have chosen to have

put himself into this condition long before this time: Since he has not thought fit to do so, it is our duty to endeavour to do it for him; and therefore I shall conclude with moving, that an humble address be presented to his majesty, that he would be graciously pleased to remove the right honourable Sir Robert Walpole, Knight of the most noble order of the garter, first commissioner for executing the office of treasurer of the exchequer, chancellor and under-treasurer of the exchequer, and one of his majesty's most honourable privy council, from his majesty's presence and councils for ever."

SIR ROBERT WALPOLE'S SPEECH IN REPLY.

MR. SPEAKER,

IT has been observed by several gentlemen, in vindication of this motion, that if it should be carried, neither my life, liberty, or estate will be affected. But do the honourable gentlemen consider my character and reputation as of no moment? Is it no imputation to be arraigned before this house, in which I have sat forty years, and to have my name transmitted to posterity with disgrace and infamy? I will not conceal my sentiments, that to be named in parliament as a subject of inquiry, is to me a matter of great concern; but I have the satisfaction at the same time to reflect, that the impression to be made depends upon the consistency of the charge and the motives of the prosecutors. Had the charge been reduced to specifick allegations, I should have felt myself called upon for a specifick defence. Had I served a weak or wicked master, and implicitly obeyed his dictates, obedience to his commands must have been my only justifica-

tion. But as it has been my good fortune to serve a master, who wants no bad ministers, and would have hearkened to none, my defence must rest on my own conduct. The consciousness of innocence is also sufficient support against my present prosecutors. A further justification is also derived from a consideration of the views and abilities of the prosecutors. Had I been guilty of great enormities, they want neither zeal and inclination to bring them forward, nor ability to place them in the most prominent point of view. But as I am conscious of no crime, my own experience convinces me, that none can be justly imputed. I must therefore ask the gentlemen, from whence does this attack proceed? From the passions and prejudices of the parties combined against me, who may be divided into three classes, the Boys, the riper Patriots, and the Tories. The Tories I can easily forgive, they have unwillingly come into the measure, and they do me honour in thinking it necessary to remove me, as their only obstacle. What is the inference to be drawn from these premises? that demerit with them ought to be considered as merit with others. But my great and principal crime is my long continuance in office, or, in other words, the long exclusion of those who now complain against me. This is the heinous offence which exceeds all others. I keep from them the possession of that power, those honours and those emoluments, to which they so ardently and pertinaciously aspire. I will not attempt to deny the reasonableness and necessity of a party war; but in carrying on that war, all principles and rules of justice should not be departed from. The tories must confess, that the most obnoxious persons have felt few instances of extrajudicial power. Wherever they have been arraigned, a plain charge has been exhibited against them. They have had an impartial trial, and have been permitted to make their defence; and will they, who have experienced this fair and equitable mode of proceeding, act in direct opposition to every principle of justice, and establish this fatal precedent of parliamentary inquisition? and

whom would they conciliate by a conduct so contrary to principle and precedent?

Can it be fitting in them, who have divided the public opinion of the nation, to share it with those who now appear as their competitors? With the men of yesterday, the boys in politicks, who would be absolutely contemptible did not their audacity render them detestable? With the mock patriots, whose practice and professions prove their selfishness and malignity, who threatened to pursue me to destruction, and who have never for a moment lost sight of their object? These men, under the name of Separatists, presume to call themselves, exclusively, the *nation* and the *people*, and under that character, assume all power. In their estimation, the king, lords, and commons are a faction, and *they* are the government. Upon these principles they threaten the destruction of all authority, and think they have a right to judge, direct, and resist, all legal magistrates. They withdraw from parliament because they succeed in nothing, and then attribute their want of success not to its true cause, their own want of integrity and importance, but to the effect of places, pensions, and corruption. May it not be asked, Are the people on the court side more united than on the other? Are not the Tories, Jacobites, and Patriots equally determined? What makes this strict union? What cements this heterogeneous mass? Party engagements and personal attachments. However different their views and principles, they all agree in opposition. The Jacobites distress the government they would subvert; the tories contend for party prevalance and power. The patriots, for discontent and disappointment, would change the ministry, that themselves might exclusively succeed. They have laboured this point twenty years unsuccessfully; they are impatient of longer delay. They clamour for change of measures, but mean only change of ministers.

In party contests, why should not both sides be equally steady? Does not a whig administration as well deserve the support of the whigs as the contrary?

Why is not principle the cement in one as well as the other, especially when they confess, that all is levelled against one man? Why this one man? Because they think, vainly, nobody else could withstand them. All others are treated as tools and vassals. The one is the corrupter; the numbers corrupted. But whence this cry of corruption, and exclusive claim of honourable distinction? Compare the estates, characters, and fortunes of the commons on one side, with those on the other. Let the matter be fairly investigated. Survey and examine the individuals who usually support the measures of government, and those who are in opposition. Let us see to whose side the balance preponderates. Look round both houses, and see to which side the balance of virtue and talents preponderates! Are all these on one side, and not on the other? Or are all these to be counterbalanced by an affected claim to the exclusive title of patriotism. Gentlemen have talked a great deal of patriotism. A venerable word, when duly practised. But I am sorry to say, that of late it has been so much hackneyed about, that it is in danger of falling into disgrace. The very idea of true patriotism is lost; and the term has been prostituted to the very worst of purposes. A patriot, sir!—Why patriots spring up like mushrooms! I could raise fifty of them within the four and twenty hours. I have raised many of them in one night. It is but refusing to gratify an unreasonable or an insolent demand, and up starts a patriot. I have never been afraid of making patriots; but I disdain and despise all their efforts. But this pretended virtue proceeds from personal malice, and from disappointed ambition. There is not a man amongst them whose particular aim I am not able to ascertain, and from what motive they have entered into the lists of opposition.

I shall now consider the articles of accusation which they have brought against me, and which they have not thought fit to reduce to specifick charges; and I shall consider these in the same order as that in which they were placed by the honourable member who

made the motion. First, in regard to foreign affairs; secondly, to domestick affairs; and, thirdly, to the conduct of the war.

As to foreign affairs, I must take notice of the uncandid manner in which the gentlemen on the other side have managed the question, by blending numerous treaties and complicated negotiations into one general mass.

To form a fair and candid judgment of the subject, it becomes necessary not to consider the treaties merely insulated; but to advert to the time in which they were made, to the circumstances and situation of Europe when they were made, to the peculiar situation in which I stand, and to the power which I possessed. I am called repeatedly and insidiously prime and sole minister. Admitting, however, for the sake of argument, that I am prime and sole minister in this country; am I, therefore, prime and sole minister of all Europe? Am I answerable for the conduct of other countries as well as for that of my own? Many words are not wanting to show, that the particular view of each court occasioned the dangers which affected the publick tranquillity; yet the whole is charged to my account. Nor is this sufficient. Whatever was the conduct of England, I am equally arraigned. If we maintained ourselves in peace, and took no share in foreign transactions, we are reproached for tameness and pusillanimity. If, on the contrary, we interfered in these disputes, we are called Don Quixotes, and dupes to all the world. If we contracted guarantees, it was asked, why is the nation wantonly burthened? If guarantees were declined, we were reproached with having no allies.

I have, however, sir, this advantage, that all the objections now alleged against the conduct of the administration to which I have the honour to belong, have already been answered to the satisfaction of a majority of both houses of parliament, and I believe to the satisfaction of a majority of the better sort of people in the nation. I need therefore only repeat a few of these answers that have been made already, which I

shall do in the order of time in which the several transactions happened, and consequently must begin with our refusing to accept of the sole mediation offered us by Spain, on the breach between that court and the court of France, occasioned by the dismissal of the infanta of Spain.*

I hope it will not be said we had any reason to quarrel with France upon that account; and therefore, if our accepting of that mediation might have produced a rupture with France, it was not our duty to interfere, unless we had something very beneficial to expect from the acceptance. A reconciliation between the courts of Vienna and Madrid, it is true, was desirable to all Europe, as well as to us, provided it had been brought about without any design to disturb our tranquillity, or the tranquillity of Europe; but both parties were then so high in their demands, that we could hope for no success; and if the negotiation had ended without effect, we might have expected the common fate of arbitrators, the disobliging of both. Therefore, as it was our interest to keep well with both, I must still think it was the most prudent part we could act, to refuse the offered mediation.

The next step of our foreign conduct, exposed to reprehension, is the treaty of Hanover. Sir, if I were to give the true history of that treaty, which no gentleman can desire, I should, I am sure I could, fully justify my own conduct; but as I do not desire to justify my own, without justifying his late majesty's conduct, I must observe, that his late majesty had such information, as convinced not only him, but those of his council, both at home and abroad, that some dangerous designs had been formed between the emperor and Spain, at the time of their concluding the treaty at Vienna, in May 1725. Designs, sir, which were dangerous not only to the liberties of this nation, but to the liberties of Europe. They

* Alludes to the intended marriage between the king of France and the infanta of Spain.

were not only to wrest Gibraltar and Port Mahon from this nation, and force the Pretender upon us, but they were to have Don Carlos married to the emperor's eldest daughter, who would thereby have had a probability of uniting in his person, or in the person of some of his successors, the crowns of France and Spain, with the impartial dignity, and the Austrian dominions. It was therefore highly reasonable, both in France and us, to take the alarm at such designs, and to think betimes of preventing their being carried into execution. But with regard to us, it was more particularly our business to take the alarm, because we were to have been immediately attacked. I shall grant, sir, it would have been very difficult, if not impossible, for Spain and the emperor joined together to have invaded, or made themselves masters of any of the British dominions; but will it be said, they might not have invaded the king's dominions in Germany, in order to force him to a compliance with what they desired of him, as king of Great Britain? And if those dominions had been invaded on account of a quarrel with this nation, should we not have been obliged, both in honour and interest, to defend them? When we were thus threatened, it was therefore absolutely necessary for us to make an alliance with France; and that we might not trust too much to their assistance, it was likewise necessary to form alliances with the northern powers, and with some of the princes in Germany, which we never did, nor ever could do, without granting them immediate subsidies. These measures were therefore, I still think, not only prudent but necessary, and by these measures we made it much more dangerous for the emperor and Spain to attack us, than it would otherwise have been.

But still, sir, though by these alliances we put ourselves upon an equal footing with our enemies, in case of an attack, yet, in order to preserve the tranquillity of Europe, as well as our own, there was something else to be done. We knew that war could not be begun and carried on without money; we

knew that the emperour had no money for that purpose, without receiving large remittances from Spain ; and we knew that Spain could make no such remittances without receiving large returns of treasure from the West Indies. The only way, therefore, to render these two powers incapable of disturbing the tranquillity of Europe, was by sending a squadron to the West Indies, to stop the return of the Spanish galleons ; and this made it necessary, at the same time, to send a squadron to the Mediterranean, for the security of our valuable possessions in that part of the world. By these measures the emperour saw the impossibility of attacking us in any part of the world, because Spain could give him no assistance, either in money or troops ; and the attack made by the Spaniards upon Gibraltar was so feeble, that we had no occasion to call upon our allies for assistance. A small squadron of our own prevented their attacking it by sea ; and from their attack by land, we had nothing to fear. They might have knocked their brains out against inaccessible rocks, to this very day, without bringing that fortress into any danger.

I do not pretend, sir, to be a great master of foreign affairs. In that post in which I have the honour to serve his majesty, it is not my business to interfere ; and as one of his majesty's council, I have but one voice : but if I had been the sole adviser of the treaty of Hanover, and of all the measures which were taken in pursuance of it, from what I have said I hope it will appear, that I do not deserve to be censured, either as a weak or a wicked minister on that account.

The next measures which incurred censure were the guarantee of the pragmatick sanction by the second treaty of Vienna, and the refusal of the cabinet to assist the house of Austria, in conformity with the articles of that guarantee.

As to the guarantee of the pragmatick sanction, I am really surprised to find that measure objected to. It was so universally approved of, both within doors and without, that till this very day I think no fault was ever found with it, unless it was that of

being too long delayed. If it was so necessary for supporting the balance of power in Europe, as has been insisted on in this debate, to preserve entire the dominions of the house of Austria, surely it was not our business to insist upon a partition of them in favour of any of the princes of the empire. But if we had, could we have expected that the house of Austria would have agreed to any such partition, even for the acquisition of our guarantee? The king of Prussia had, it is true, a claim upon some lordships in Silesia; but that claim was absolutely denied by the court of Vienna, and was not at that time so much insisted on by the late king of Prussia. Nay, if he had lived till this time, I believe it would not now have been insisted on; for he acceded to that guarantee without any reservation of that claim; therefore, I must look upon this as an objection, which has since arisen from an accident, that could not then be foreseen, or provided against.

I must therefore think, sir, that our guarantee of the pragmattick sanction, or our manner of doing it, cannot now be objected to, nor any person censured by parliament for advising that measure. In regard to the refusal of the cabinet to assist the house of Austria, though it was prudent and right in us to enter into that guarantee, we were not therefore, obliged to enter into every broil the house of Austria might afterwards lead themselves into; and therefore, we were not in honour obliged to take any share in the war which the emperor brought upon himself in the year 1733, nor were we in interest obliged to take a share in that war, as long as neither side attempted to push their conquests further than was consistent with the balance of power in Europe, which was a case that did not happen. For the power of the house of Austria was not diminished by the event of that war, because they got Tuscany, Parma, and Placentia, in lieu of Naples and Sicily; nor was the power of France much increased, because Loraine was a province she had taken and kept possession of, during every war in which she had been engaged.

As to the disputes with Spain, they had not then reached such a height, as to make it necessary for us to come to an open rupture. We had then reason to hope, that all differences would be accommodated in an amicable manner ; and whilst we have any such hopes, it can never be prudent for us to engage ourselves in war, especially with Spain, where we have always had a very beneficial commerce. These hopes, it is true, sir, at last proved abortive ; but I never heard it was a crime to hope for the best. This sort of hope was the cause of the late convention. If Spain had performed her part of that preliminary treaty, I am sure it would not have been wrong in us, to have hoped for a friendly accommodation, and for that end to have waited nine or ten months longer, in which time the plenipotentiaries were, by the treaty, to have adjusted all the differences subsisting between the two nations. But the failure of Spain in performing what had been agreed to by this preliminary, put an end to all our hope, and then, and not till then, it became prudent to enter into hostilities, which were commenced as soon as possible after the expiration of the term limited for the payment of the 95,000*l*.

Strong and virulent censures have been cast on me for having commenced the war without a single ally ; and this deficiency has been ascribed to the multifarious treaties in which I have bewildered myself. But although the authors of this imputation are well apprised that all these treaties have been submitted to and approved by parliament, yet they are now brought forward as crimes, without appealing to the judgment of parliament, and without proving or declaring that all or any of them were advised by me. A supposed sole minister is to be condemned and punished as the author of all ; and what adds to the enormity is, that an attempt was made to convict him uncharged and unheard, without taking into consideration the most arduous crisis which ever occurred in the annals of Europe. Sweden corrupted by France ; Denmark tempted and wavering ; the landgrave of Hesse

Cassel almost gained ; the king of Prussia, the emperor, and the Czarina, with whom alliances had been negotiating, dead ; the Austrian dominions claimed by Spain and Bavaria ; the elector of Saxony hesitating whether he should accede to the general confederacy planned by France ; the court of Vienna irresolute and indecisive. In this critical juncture, if France enters into engagements with Prussia, and if the queen of Hungary hesitates and listens to France, are all or any of these events to be imputed to English counsels ? and if to English counsels, why are they to be attributed to one man ?

I now come, sir, to the second head, the conduct of domestick affairs ; and here a most heinous charge is made, that the nation has been burthened with unnecessary expenses, for the sole purpose of preventing the discharge of our debts, and the abolition of taxes. But this attack is more to the dishonour of the whole cabinet council than to me. If there is any ground for this imputation, it is a charge upon king, lords, and commons, as corrupted, or imposed upon. And they have no proof of these allegations, but affect to substantiate them by common fame and publick notoriety.

No expense has been incurred but what has been approved of, and provided for by parliament. The publick treasure has been duly applied to the uses to which it was appropriated by parliament, and regular accounts have been annually laid before parliament, of every article of expense. If by foreign accidents, by the disputes of foreign states amongst themselves, or by their designs against us, the nation has often been put to an extraordinary expense, that expense cannot be said to have been unnecessary, because, if by saving it we had exposed the balance of power to danger, or ourselves to an attack, it would have cost, perhaps, a hundred times that sum, before we could recover from that danger, or repel that attack.

In all such cases there will be a variety of opinions. I happened to be one of those who thought all these

expenses necessary, and I had the good fortune to have the majority of both houses of parliament on my side ; but this, it seems, proceeded from bribery and corruption. Sir, if any one instance had been mentioned, if it had been shown, that I ever offered a reward to any member of either house, or ever threatened to deprive any member of his office or employment, in order to influence his vote in parliament, there might have been some ground for this charge ; but when it is so generally laid, I do not know what I can say to it, unless it be to deny it as generally and as positively as it has been asserted ; and, thank God ! till some proof be offered, I have the laws of the land, as well as the laws of charity in my favour.

Some members of both houses have, it is true, been removed from their employments under the crown ; but were they ever told, either by me, or by any other of his majesty's servants, that it was for opposing the measures of the administration in parliament ? They were removed, because his majesty did not think fit to continue them longer in his service. His majesty had a right so to do, and I know no one that has a right to ask him, what dost thou ? If his majesty had a mind that the favours of the crown should circulate, would not this of itself be a good reason for removing any of his servants ? Would not this reason be approved of by the whole nation, except those who happen to be the present possessors ? I cannot, therefore, see how this can be imputed as a crime, or how any of the king's ministers can be blamed for his doing what the publick has no concern in : for if the publick be well and faithfully served, it has no business to ask by whom.

As to the particular charge urged against me, I mean that of the army debentures, I am surprised, sir, to hear any thing relating to this affair charged upon me. Whatever blame may attach to this affair, it must be placed to the account of those that were in power, when I was, as they call it, the country gentleman. It was by them this affair was introduced and

conducted, and I came in only to pay off those public securities, which their management had reduced to a great discount, and consequently to redeem our publick credit from that reproach, which they had brought upon it. The discount at which these army debentures were negotiated, was a strong and prevalent reason with parliament, to apply the sinking fund first to the payment of those debentures, but the sinking fund could not be applied to that purpose, till it began to produce something considerable, which was not till the year 1727. That the sinking fund was then to receive a great addition, was a fact publickly known in 1726; and if some people were sufficiently quick-sighted to foresee, that the parliament would probably make this use of it, and cunning enough to make the most of their own foresight, could I help it, or could they be blamed for doing so? But I defy my most inveterate enemy to prove, that I had any hand in bringing these debentures to a discount, or that I had any share in the profits by buying them up.

In reply to those who confidently assert, that the national debt is not decreased since 1727, and that the sinking fund has not been applied to the discharge of the publick burthens, I can with truth declare, that a part of the debt has been paid off, and the landed interest has been very much eased, with respect to that most unequal and grievous burthen, the land tax. I say so, sir, because upon examination it will appear, that within these sixteen or seventeen years, no less than 8,000,000*l.* of our debt has been actually discharged, by the due application of the sinking fund, and at least 7,000,000*l.* has been taken from that fund, and applied to the ease of the land tax. For if it had not been applied to the current service, we must have supplied that service, by increasing the land tax; and as the sinking fund was originally designed for paying off our debts, and easing us of our taxes, the application of it in ease of the land tax, was certainly as proper and as necessary a use as could be made. And I little thought that giving relief to landed

gentlemen, would have been brought against me as a crime.

I shall now advert to the third topick of accusation: the conduct of the war. I have already stated in what manner, and under what circumstances hostilities commenced; and as I am neither general nor admiral, as I have nothing to do either with our navy or army, I am sure I am not answerable for the prosecution of it. But were I to answer for every thing, no fault could, I think, be found with my conduct in the prosecution of the war. It has from the beginning been carried on with as much vigour, and as great care of our trade, as was consistent with our safety at home, and with the circumstances we were in at the beginning of the war. If our attacks upon the enemy were too long delayed, or if they have not been so vigorous or so frequent as they ought to have been, those only are to blame who have for many years been haranguing against standing armies: for without a sufficient number of regular troops in proportion to the numbers kept up by our neighbours, I am sure we can neither defend ourselves, nor offend our enemies. On the supposed miscarriages of the war, so unfairly stated, and so unjustly imputed to me, I could, with great ease, frame an incontrovertible defence: but as I have trespassed so long on the time of the house, I shall not weaken the effect of that forcible exculpation so generously and disinterestedly advanced by the right honourable gentleman who so meritoriously presides at the admiralty.

If my whole administration is to be scrutinized and arraigned, why are the most favourable parts to be omitted? If facts are to be accumulated on one side, why not on the other? And why may not I be permitted to speak in my own favour? Was I not called by the voice of the king and the nation to remedy the fatal effects of the South Sea project, and to support declining credit? Was I not placed at the head of the treasury, when the revenues were in the greatest confusion? Is credit revived, and does it now flourish? Is it not at an incredible height, and if

so, to whom must that circumstance be attributed? Has not tranquillity been preserved both at home and abroad, notwithstanding a most unreasonable and violent opposition? Has the true interest of the nation been pursued, or has trade flourished? Have gentlemen produced one instance of this exorbitant power, of the influence which I extend to all parts of the nation, of the tyranny with which I oppress those who oppose, and the liberality with which I reward those who support me? But having first invested me with a kind of mock dignity, and styled me a prime minister, they impute to me an unpardonable abuse of that chimerical authority which they only have created and conferred. If they are really persuaded that the army is annually established by me, that I have the sole disposal of posts and honours, that I employ this power in the destruction of liberty, and the diminution of commerce, let me awaken them from their delusion. Let me expose to their view the real condition of the publick weal; let me show them that the crown has made no encroachments, that all supplies have been granted by parliament, that all questions have been debated with the same freedom as before the fatal period, in which my counsels are said to have gained the ascendancy; an ascendancy from which they deduce the loss of trade, the approach of slavery, the preponderance of prerogative, and the extension of influence. But I am far from believing that they feel those apprehensions which they so earnestly labour to communicate to others, and I have too high an opinion of their sagacity not to conclude that, even in their own judgment, they are complaining of grievances that they do not suffer, and promoting rather their private interest than that of the publick.

What is this unbounded sole power which is imputed to me? How has it discovered itself, or how has it been proved?

What have been the effects of the corruption, ambition, and avarice, with which I am so abundantly charged?

Have I ever been suspected of being corrupted? A strange phenomenon, a corrupter himself not corrupt! Is ambition imputed to me? Why then do I still continue a commoner? I, who refused a white staff and a peerage. I had, indeed, like to have forgotten the little ornament about my shoulders, which gentlemen have so repeatedly mentioned in terms of sarcastick obloquy. But surely, though this may be regarded with envy or indignation in another place, it cannot be supposed to raise any resentment in this house, where many may be pleased to see those honours which their ancestors have worn, restored again to the commons.

Have I given any symptoms of an avaricious disposition? Have I obtained any grants from the crown since I have been placed at the head of the treasury? Has my conduct been different from that which others in the same station would have followed? Have I acted wrong in giving the place of auditor to my son, and in providing for my own family? I trust that their advancement will not be imputed to me as a crime, unless it shall be proved that I placed them in offices of trust and responsibility for which they were unfit.

But while I unequivocally deny that I am sole and prime minister, and that to my influence and direction all the measures of government must be attributed, yet I will not shrink from the responsibility which attaches to the post I have the honour to hold; and should during the long period in which I have sat upon this bench, any one step taken by government be proved to be either disgraceful or disadvantageous to the nation, I am ready to hold myself accountable.

To conclude, sir, though I shall always be proud of the honour of any trust or confidence from his majesty, yet I shall always be ready to remove from his councils and presence, when he thinks fit; and therefore I should think myself very little concerned in the event of the present question, if it were not for the encroachment that will thereby be made upon the prerogatives of the crown. But I must think, that an address to his majesty to remove one of his ser-

vants, without so much as alleging any particular crime against him, is one of the greatest encroachments that was ever made upon the prerogatives of the crown ; and therefore for the sake of my master, without any regard for my own, I hope all those that have a due regard for our constitution, and for the rights and prerogatives of the crown, without which our constitution cannot be preserved, will be against this motion.

MR. SHERIDAN'S SPEECH,

DELIVERED IN THE HOUSE OF COMMONS, ON THE 18TH OF
FEBRUARY, 1787, ON THE IMPEACHMENT OF WARREN HAS-
TINGS, FOR HIGH CRIMES AND MISDEMEANORS.

AS one of the leading managers who conducted the memorable trial of Warren Hastings, the duty particularly assigned to Mr. Sheridan was to support the charge which related to the treatment of the Princesses of Oude. This charge which seems to have been considered as the most criminal of the offences alleged against Mr. Hastings, is so entangled with a complicated portion of the history of his administration, that we despair of being able to convey, within the limits to which we are restricted, an intelligible explanation of the subject. It is, however, a matter of little consequence, since there will be found in the speeches of Mr. Sheridan, especially the concluding one, the charge stated with sufficient distinctness, accompanied too by a narrative of the transactions on which it is predicated, clear, copious, and precise. The first of these inimitable orations was delivered in the house of commons on the question, *Whether the conduct of Mr. Hastings towards the Begums deserved impeachment?* The theme was peculiarly adapted to display the best powers of eloquence; and never, perhaps, were they exerted with superior skill, force, and elegance. For more than five hours, he continued without abatement, to fascinate, arouse, and inflame the feelings of his audience, and

when he concluded there was a general and spontaneous burst of applause expressive of a greater degree of enthusiasm than probably was ever before kindled by the influence of eloquence in a deliberative assembly.* Three of the most eminent members of the house arose in succession, and bestowed on the speech the highest commendation. Mr. Burke declared it to be the most surprising effort of eloquence, argument, and wit united, of which, there is any record or tradition. Mr. Fox avowed, that all he had ever heard, all that he had ever read, when compared to it, dwindled into nothing, and vanished like vapour before the sun. Mr. Pitt confessed that it surpassed all the eloquence of ancient or modern times, and possessed every quality of excellence that genius or art could furnish to agitate, and control the human mind.

After a short interval, one of the friends of Mr. Hastings endeavoured to reply to the speech, but was unable to proceed from the convulsed and tumultuous state of the house. Enraptured with the eloquence of Mr. Sheridan, the members were unwilling to part with the delightful impressions it had created, and seemed prepared, under the excitement of the moment, to pronounce, by acclamation, the guilt of the accused.

Perceiving these dispositions in the house, Mr. Pitt very properly moved an adjournment, "that the members might have time to recover, so as to be able

* Among other proofs of the astonishing effects of this speech, it is related of the late Mr. Logan, who was one of the warmest friends of Mr. Hastings, and well known as the author of a masterly defence of his conduct, for the publication of which, Stockdale the bookseller was tried, went to the house on that day with the strongest prepossessions in favour of the accused. At the expiration of the first hour, he said to a friend, "All this is declamatory assertion without proof!" When the second was finished, "This is a most wonderful oration." At the close of the third, "Mr. Hastings has acted very unjustifiably." At the fourth, "Mr. Hastings is a most atrocious criminal." And at the last, "Of all monsters of iniquity the most enormous is Warren Hastings."

to discriminate between the blaze of eloquence and the light of truth." This motion, with great difficulty, was carried. On resuming the discussion of the subject, the house still retaining its impressions, voted the charge by an immense majority.

The speeches, here inserted, we pretend not to give as a faithful transcript of Mr. Sheridan's eloquence. They are, on the contrary, evidently a very inadequate report of it. No perfect record, we believe, was ever made of these unparalleled productions. They are now presented, we can confidently say, in a better dress than they have hitherto appeared. The chain of reasoning pursued by the orator, will be found sometimes to be abruptly broken, and much of the evidence omitted, but the sublimer parts have not altogether been permitted to escape. Many a gem of the highest polish and the finest lustre is preserved, though detached and separated. These speeches in their present state, can only be viewed as splendid fragments. They have no other pretensions.

SPEECH, &c.

I WILL not, sir, take up the time of the house with any general arguments, to prove that the charge which it has fallen to my lot to bring forward is of great importance. The attention parliament has devoted to the affairs of India, for many sessions past; the voluminous productions of your committees on the subject; our own strong and pointed resolutions; the repeated recommendations of his majesty, and our repeated assurances of paying due regard to these recommendations, are all undeniable evidences of the magnitude of the consideration, and tend most clearly to establish the broad fact, that parliament acknowledges the British name and character have been dishonoured, and rendered detestable throughout the Indian provinces, by the malversation and crimes of the servants of the East India Company.

It has, however, sir, I know, been insinuated by some persons, that the national legislature is doing wrong in urging the prosecution against Mr. Hastings, at a time when its attention might be so much more advantageously employed for the country. I have heard it intimated, that among other high matters which claim a precedence, that a commercial treaty with France has just been concluded, embracing objects of such a vast and momentous nature, as alone to be entitled at present, to all our deliberative wisdom. To this I reply: is it possible that any one can conceive that parliament is mispending its time by inquiring into the oppressions practiced on millions of unfortunate persons in India, with a view of bringing to exemplary and condign punishment the most daring of these delinquents, who have wantonly perpetrated flagrant acts of enormous tyranny, and rapacious speculation? Can it be deemed by any one a misuse of our functions, that we are diligently exercising the most effectual means of wiping off the disgrace which tarnishes the British name in India, and of rescuing our national reputation from lasting infamy? Surely, sir, no man who entertains a proper sense of his country's glory can think a subject of higher magnitude, or deeper interest than this, could come before us, or that we could push the inquiries which it involves with too much steadiness, too ardent a zeal, or a too industrious a perseverance.

To the credit of this house it has already pronounced the solemn award, that Warren Hastings deserves to be impeached for "*high crimes and misdemeanors*." By this decision we have shown our abhorrence of that novel and base sophism in the principles of judicial proceedings, which was attempted to be introduced, that crimes may be compounded; that allowing Mr. Hastings to be guilty of all which is alleged against him, his guilt ought to be balanced by the splendid successes of his administration; that these are a complete set off to all his oppressions, treacheries, corruptions, cruelties and speculations;

and that though king, lords, and commons have declared against him after the most calm, patient, and elaborate scrutiny into his conduct, yet it should escape punishment, because, the high criminal can produce a vote of thanks from the *court of proprietors*.

The house, I repeat, has in this respect, done itself immortal honour. We have proclaimed to the world, that however degenerate an example some of the British subjects have exhibited in India, the people of England collectively, speaking and acting by their representatives, feel as men should feel on such an occasion. We have asserted that there are acts which no political expediency can sanction or extenuate. We have said, that in the administration of Mr. Hastings, we have discovered, to use the language of an eloquent member,* "*acts of strong injustice, of grinding oppression, and unprovoked severity.*"

We have, moreover, declared that my noble friend† who instigated this prosecution, is no false accuser. That he was actuated to do it by no envy, malice, or unworthy motive. But that, on the contrary, he is the indefatigable, the persevering, and finally, the successful champion of oppressed multitudes over their despotick and cruel oppressor. This house has proved itself, in short, superiour to the arrogant pretensions that were advanced in behalf of Mr. Hastings, "of the pillar of India, of the corner stone of our strength in the East, of the talisman of the British territories in Asia," whose character has been said by his silly admirers to be above censure, and whose conduct was not within the reach of suspicion.

If ever there was a subject, sir, in which inquiry has been full, deliberate, candid, and dispassionate, it is certainly the present one. There are, no doubt, in this house questions occasionally agitated from motives of party, and in which decisions are supposed to be matters of easy acquisition. But, I now

* Mr. Pitt.

† Mr. Burke.

utterly disclaim all such reasons as influencing this proceeding, and do solemnly profess to God, that in my own bosom there is an entire conviction of the guilt of Mr. Hastings, and that I am sensible all those who are concerned in the prosecution feel the same.

With regard, especially to his treatment of the Begums of Oude, the ground of the present charge, I have no hesitation, or reserve in stating as my honest belief, that it comprehends every species of human offence and moral depravity. Towards these unfortunate women, he has proved himself guilty of rapacity at once violent and insatiable; of treachery cool and premeditated; of oppression useless and unprovoked; of breach of faith unwarrantable and base; of cruelty unmanly and unmerciful. These are the crimes of which in my soul and conscience I arraign Warren Hastings, and of which, I have the confidence to say, I shall convict him.

Let it not be supposed that I mean to rest the charge on mere assertion, or upon the warm expressions which the impulse of wounded sensibility may excite. No, sir, I will establish every part of it by the most unanswerable proof, and the most unquestionable evidence. I will support every allegation by testimony which cannot be contradicted, namely, by that of Mr. Hastings himself.

As there are members in this house who are prepared to become his advocates, I therefore challenge them to keep an eye upon me, to watch if I advance one inch of assertion for which I have not solid ground. For I shall trust nothing to declaration, and hence I desire credit for no fact which I do not prove, and which, indeed, I do not demonstrate beyond the possibility of refutation or denial.

With these preliminary remarks I proceed cursorily to examine the defence of Mr. Hastings, which, sir, he put into my hands to day for the first time, as I entered into the house. This defence must be considered as a second answer to the charge now under review. But the new attempt at a vindication will be

seen to be no less unfortunate than the preceding one. It cannot now be pleaded as formerly by him, that his defence is crude and imperfect, because, hurried by the want of time and opportunity to prepare it. Of each he has had an ample allowance, and you will find, sir, with what care, and diligence, and labour he has sought matter of justification. But it will also be found, that in the whole of his defence there is not one fact truly stated; not one quotation accurately given, nor one assertion which is made out by the premises.

It is here endeavoured to be proved, that the treasures of the Begums were not private property, but that they belonged of right to the nabob. To establish this, various steps are related, which were taken by Mr. Bristow in the years 1775 and 1776, to procure from them assistance to the nabob; not one of which steps, as stated by Mr. Hastings, is true. It must be remembered, that at that period the Begums did not merely desire, but expressly stipulated, that of the 300,000*l.* promised, 110,000*l.* should be paid in sundry articles of manufacture. Is it not obvious, that the sale of goods in this case, which had been brought by Mr. Hastings as an apology for the exposition of their pilfered goods to publick auction in 1781, far from partaking of the nature of an act of plunder, was an extension of relief, indulgence, and accommodation? Mr. Hastings alleges the principles of the Mahometan law in mitigation of his severities; as if he means to insinuate, that there is something in Mahometanism, which renders it impious in a son not to plunder his mother. The minutes of council in the year 1775 clearly prove, that the women upon the death of their husbands are entitled by the Mahometan law only to the property within the zenana or harem where they lived. This is decisive. The resident used no threats; military compulsion was not so much as menaced; the disputed property was given up by the Begums, and the further treasure which was within the zenana was confessedly their own. A treaty had even been signed

by the nabob, and ratified by Mr. Bristow, in the nature of a guarantee, by which it was stipulated that, on their paying 300,000*l.* they should be freed from all further application. Is this transaction of a nature calculated to prove that the right to the treasure of the Begums was vested in the nabob? If the Mahometan law had even given such a right, was that right excluded by the treaty? Even in the year 1775, the princesses of Oude entertained a reliance upon the protection of the British government; and to prove this, I shall cite a letter of that date from the Begum, the mother of the nabob, to Mr. Hastings, in which she observes, "If it is your pleasure, that the mother of the late nabob, myself, his other women, and his infant children, should be reduced to a state of dishonour and distress, we must submit. But if, on the contrary, you call to mind the friendship of the late blessed nabob, you will exert yourself effectually in favour of us who are helpless."

Let us next look to the immediate pretences which were assigned for seizing the treasure of the Begums. It was said, that they had given disturbance at all times to the government of the Nabob. That they had long manifested a spirit hostile to the English government. That they had urged the Zemidars to revolt; and that they had excited and were accessory to the insurrection at Benares. Now, each of these allegations is sufficiently disproved by Mr. Hastings himself, who makes it appear, that on the contrary they had particularly distinguished themselves by their friendship for the English, and by the various good offices which they rendered to the government. Mr. Hastings left Calcutta in 1781, and proceeded to Lucknow, as he said himself, with two great resources in his mind, Benares and Oude. From one of these provinces he intended to recruit the exhausted finances of the company. What was the nature of these boasted resources? They resembled the equitable alternative of a highwayman, who, in going forth in the evening, was held in suspense which of his fields to prefer,

Bagshot or Hounslow. In such a state of generous irresolution did Mr. Hastings proceed to Benares and Oude. At Benares he failed in his pecuniary object. Then, and not till then, not on account of any ancient enmities shown by the Begums; not in resentment for any old disturbances; but because he had failed in one place and had but two in prospect, did he conceive the base expedient of plundering those aged women. He had no pretence, he had no excuse; he had nothing but the arrogant and obstinate determination to govern India by his own corrupt will, to plead for his conduct. Inflamed by disappointment in his first project, he hastened to the fortress of Chunar, to meditate the more atrocious design of instigating a son against his mother, of sacrificing female dignity and distress to parricide and plunder. At Chunar was that infamous treaty concerted, in which, among other articles, Mr. Hastings stipulated with one whom he called an independent prince, "That, as great distress had arisen to the Nabob's government from the military power and dominion assumed by the Jaghiredars, he be permitted to resume such of their lands as he may deem to be necessary."

No sooner was this foundation of iniquity established, in violation of the pledged faith and solemn guarantee of the British government; no sooner had Mr. Hastings determined to invade the substance of justice, than he resolved to avail himself of her judicial forms; and accordingly despatched a messenger for the chief justice of India, to assist him in perpetrating the violations he had projected. Sir Elijah Impey being arrived, Mr. Hastings with much art proposed a question of opinion, involving an unsubstantiated fact, in order to obtain a surreptitious approbation of the measure he had predetermined to adopt. "*The Begums being in actual rebellion, might not the nabob confiscate their property? Most undoubtedly,*" was the ready answer, of the friendly judge. Not a syllable of inquiry intervened as to the existence of the imputed rebellion; not a moment's pause as to the

ill purposes to which the decision of a chief justice might be perverted. It is not, sir, the office of a friend to mix the grave caution and cold circumspection of a judge with an opinion taken under such circumstances; and sir Elijah did previously declare, that he gave his advice, not as a judge, but as a friend. It is curious to reflect on the whole of sir Elijah's circuit at this perilous time. He stated his desire of relaxing from the fatigues of office, and of unbending his mind in a party of health and pleasure: yet wisely apprehending, that too sudden relaxation might defeat its object; he had contrived to mix some concerns of business with his amusements. In his little airing of nine hundred miles, great part of which he travelled post, escorted by an army, he selected those very situations where insurrection subsisted, and rebellion was threatened. He not only delivered his deep and curious researches into the laws of nations and treaties, in the capacity of the Oriental Grotius, whom Mr. Hastings was to study, but also appeared in the humbler and more practical situation of a collector of *ex parte* evidence. In the former quality, his opinion was the premature sanction for the plundering the Begums. In the latter character, he became the posthumous supporter of the expulsion and pillage of the Raja Cheit Sing. Acting on an unproved fact, he did not hesitate in the first instance to lend his authority to an unlimited persecution. In the latter, he did not disdain to scud about India, like an itinerant informer, with a pedlar's pack of garbled evidence and surreptitious affidavits. With a generous oblivion of duty and honour, with a proud sense of having authorized all future rapacity, and sanctioned all past oppression, this friendly judge proceeded on his circuit of health and ease. While the governour general issued his orders to plunder the Begums of their treasure, sir Elijah pursued his progress, and explored a country, that presented a speaking picture of hunger and nakedness, in quest of objects best suited to his feelings; in anxious

search of calamities most akin to his invalid imagination. Thus, at the same moment that the sword of government was turned to an assassin's dagger, the pure ermine of justice was stained and soiled with the basest contamination. Such were the circumstances, under which Mr. Hastings completed the treaty of Chunar; a treaty, which might challenge all the treaties that ever existed, for containing in the smallest compass the most extensive treachery.

Nor did Mr. Hastings consent to that treaty, till he had received from the Nabob a present, or rather a bribe, of 100,000*l*. The circumstances of this present, sir, are as extraordinary as the present itself. Four months afterwards, and not till then, Mr. Hastings communicated it to the company, at the same time observing, that "the present was of a magnitude not to be concealed." The whole transaction, I aver, had its rise in a principle of rank corruption. And what was the consideration for this extraordinary bribe? No less than the withdrawing from Oude, not only all the Englishmen in official situations, but the whole of the English army, and that at the very moment when he had himself stated the whole country of Oude to be in open rebellion. At the very moment that he pocketed the extorted spoils of the Nabob, he said to the English gentlemen, with his usual grave hypocrisy and cant, "Go, you oppressive rascals! Go from this worthy unhappy man, whom you have plundered, and leave him to my protection! You have robbed him, you have plundered him, you have taken advantage of his accumulated distresses. But, please God, he shall in future be at rest; for I have promised him that he shall never see the face of an Englishman again." This, however, was the only part of the treaty, that he even affected to fulfil. In all its other articles, we learn from himself, that at the very moment he made it, he meant to deceive the Nabob. Accordingly, he advised the general instead of the partial resumption of the Jaghires, for the express purpose of defeating the first views of that prince; and, instead

of giving instant and unqualified effect to all the articles of the treaty, he perpetually qualified, explained, and varied them with new diminutions and reservations. I call on all who hear me to say if there be any theory in Machiavel, any treachery upon record, any cold Italian fraud, which can in any degree be put in comparison with the disgusting hypocrisy and unequalled baseness, which Mr. Hastings has shown upon this occasion?

I recollect to have heard it advanced by some of those admirers of Mr. Hastings, who were not so implicit as to give unqualified applause to his crimes, that they found an apology for the atrocity of them in the greatness of his mind. To estimate, sir, the solidity of such a defence, it is sufficient merely to consider in what it is that this prepossessing distinction, this captivating characteristick consists. Is it not solely to be traced in great actions directed to great ends? In them only are we to search for true magnanimity. To them only can we affix the splendour and the honours of true greatness. There is indeed another species of greatness, which displays itself in boldly conceiving a bad measure, and undauntedly pursuing it to its accomplishment. Has Mr. Hastings the merit of exhibiting either of these? I see nothing great, nothing magnanimous, nothing open, nothing direct, in his measures or his mind. On the contrary, he pursues the worst objects by the worst means. His course is an eternal deviation from rectitude. At one time he tyrannizes over the will, and at another times deludes the understanding. He is by turns a Dionysius and a Scapin. As well might the writhing obliquity of the serpent be compared to the direct path of the arrow, as the duplicity of Mr. Hastings's ambition to the simple steadiness of genuine magnanimity. In his mind all is shuffling, ambiguous, dark, insidious, and little. Nothing simple, nothing unmixed; all affected plainness, and actual dissimulation. He is an heterogeneous mass of contradictory qualities, with nothing great but his crimes, and those contrasted by the littleness of his motives, which at once de-

note his profligacy and his meanness, and mark him for a traitor and a juggler. In his style of writing, I perceive the same mixture of vicious contrarieties. The most grovelling ideas he conveys in the most inflated language, giving mock consequence to low cavils, and uttering quibbles in heroicks; so that his compositions disgust the taste and the understanding; as much as his actions excite the abhorrence of the soul. The same character may be traced through almost every department of his government. Alike in the military and the political line, we might observe auctioneering ambassadours and trading generals. We saw a revolution brought about by an affidavit; an army employed in executing an arrest; a town besieged on a note of hand; and a prince dethroned for the balance of an account. Thus it was that a government was exhibited, uniting the mock majesty of a bloody sceptre, and the little traffick of a merchant's counting house; wielding a truncheon with one hand, and picking a pocket with the other. From the facts I have stated, I infer, that the Begums did not give disturbance to the government, that they did not excite the zemidars to revolt, and that they were not concerned in the insurrection of Benares. Their treasures were their treason. Asoph ul Dowla thought, therefore, sir, like an unwise prince, when he blamed his father for leaving him so little wealth. His father acted with true policy, in leaving his son with no temptations about him to excite acts of violence from the rapacious. He prudently clothed him with poverty as with a shield, and armed him with necessity as with a sword.

But let us examine the further apology which Mr. Hastings has suggested for his conduct. "The Begums had resisted the resumption of the jaghires." If, sir, they had done so, they would have been guilty of no crime. But the contrary is the fact. Can any thing be more absurd than the very idea of such an apology? Mr. Hastings, when he returned to Calcutta, states the resistance of the Begums to the resumption in January 1782, as

the ground for confiscating their treasures in November 1781! The Begums, sir, were by their condition, their age, and their infirmities, almost the only two souls in India, who could not have thought of distressing that government from which alone they hoped for protection; and who could not entertain a design so absurd, as to depose the reigning prince, who was their nearest relation. Perhaps, sir, it may be objected that it is improper to infer, because there was no motive for the offences imputed to these women, that of necessary consequence these imputations were false. But does not the conduct of Mr. Hastings sufficiently evince, that there is such a crime as wanton, unprovoked wickedness? As to the immediate case, it will appear from the most incontrovertible testimony, that insurrections, such as those which have been cited, have constantly taken place in Oude, and that reasons but too natural might be assigned for them at the period in question. To ascribe them to the Begums would indeed be wandering even beyond the improbabilities of fiction. It is not more absurd to affirm, that famine would not have pinched, nor thirst have parched, nor extermination have depopulated, but for the interference of these old women. But Mr. Hastings adds, "that they complained of the injustice that was done them." God of heaven! had they not a right to complain? After the violation of a solemn treaty, plundered of their property, and on the eve of the last extremity of misery, were they to be deprived of the ultimate resource of impotent wretchedness, lamentation, and regret? Was it a crime, that they should crowd together in fluttering trepidation, like a flock of restless birds on seeing the felon kite, who, having darted at one devoted bird and missed his aim, singled out a new object, and was springing on his prey, with redoubled vigour in his wing, and keener vengeance in his eye?

We next come to the affidavits by which the rebellion of the Begums is endeavoured to be authenticated. With the nature and purport of these singular

documents, the house is already too familiar to require of me any length of animadversion. May the God of Justice forbid that any one should ever again have the misfortune to be arraigned on the ground taken for the condemnation of these helpless females, or that a verdict of guilty should be rendered for the most trivial offence against the poorest wretch who ever existed, upon imputations so futile and absurd ! There is one circumstance attending these affidavits which is really so marvellous that it cannot have escaped the observation of the house. I mean the strange revival of the recollection of events after a total extinction of many years. It appears that the witnesses have now positively sworn to facts, of which, when examined in India five years ago, they affected a total forgetfulness. This can only be explained by supposing that the climate of the East relaxes the memory as well as the nerves, by which the traces of actions are lost, and that to regain these it is necessary that the persons should return to be braced by the native air of Britain, and have their memories, like their nerves, *restrung*. On the loose, and vague, and contradictory quality of this evidence, I cannot refrain from particularly addressing myself to one description of gentlemen within these walls. I call upon those who by their profession may be soon appointed to the most exalted and dignified situation ; where the great and important trust will be reposed in them of protecting the lives and property of their fellow subjects ; I call especially upon one learned gentleman,* who, if report be true, will suddenly succeed a venerable and great character, perhaps the most illustrious that has ever adorned the profession, whose departure from the seat of active justice will be illuminated and magnificent, because done while he possesses a mind on which time has not power to lay his hand. I call upon this learned gentleman solemnly to declare whether the mass of affidavits

* Sir Lloyd Kenyon, the successour to lord Mansfield as chief justice of England.

taken at Lucknow, would be received by him as evidence to convict in this country, the lowest creature of the slightest charge. If he says he would, I do aver that I will instantly sit down, and not add another syllable to the too tedious trespass which I have already made on your patience. As, however, he is silent, permit me to crave your indulgence for a moment longer on this subject, while I exhibit one new feature of enormity which further and more strikingly illustrates the *spirit* of the testimony by which the ruin of the Begums was achieved. Among the most pointed evidence against these unfortunate women, it will be recollected by the house, is the affidavit of colonel Gordon.

'This ungrateful and profligate wretch who owed his life to the generous intrepidity of the princesses, and who was bound to them by obligations hitherto deemed sacred, only two days after his deliverance, incredible as it may seem, coldly and cruelly deposes against those who had preserved him, accusing them of rebellion and of other crimes which he knew must overwhelm them with inextricable calamities, merely on vague rumour and idle suspicion. Almighty God! canst thou from thy eternal throne look down upon such premeditated baseness, and not fix some dreadful mark of thy displeasure upon the perpetrators.

It has, sir, been remarked by Mr. Hastings, that a mind touched with superstition, might have contemplated the fate of the Rohillas with peculiar impressions. If, sir, the mind of Mr. Hastings were susceptible of the images of superstition, if his fancy could suffer any disturbance, he might indeed feel extraordinary emotions, in contemplating the scenes I have been endeavouring to describe. He might image the proud spirit of Suja ul Dowla, looking down upon the ruin and devastation of his family; beholding that palace, which Mr. Hastings had first wrested from his hand, and afterwards restored, plundered by the very army with which he had vanquished the Mahrattas; that plunder, which he had ravished from the Rohillas, seized and confis-

cated by his perfidious ally ; that Middleton, who had been engaged in managing the previous violations, most busy to perpetrate the last ; that Hastings, whom on his death bed he had left the guardian of his wife, his mother, and his family, turning those dear relations, the objects of his solemn trust, forth to the merciless seasons, and to a more merciless soldiery. A mind, touched with superstition, must indeed have cherished such a contemplation with peculiar impressions. That, sir, Mr. Hastings was regularly acquainted with all the enormities committed on the Begums, is proved by the clearest evidence. It is true, that Mr. Middleton was rebuked for not being more exact ; but the exactness required of him afforded no apology for Mr. Hastings's feelings. He did not, indeed, give an account of the number of groans which were heaved, of the quantity of tears which were shed, of the weight of the fetters, or the depth of the dungeons.

From a review of the evidence which I have had the honour to submit to the house, I think, sir, it is evident that the Begums did nothing to merit the violence and cruelty with which they were treated, and that the charge of their promoting the rebellion in Oude was a mere pretext, wholly unfounded, contrived by Mr. Hastings for the abominable purpose of seizing on their treasures ; thus violating the solemn guarantee of the company, and breaking its faith sacredly pledged by treaty. That Mr. Hastings has sunk and degraded the character of British justice in India, by making sir Elijah Impey, the chief judge, run about the country hunting for criminal charges, and collecting affidavits to support them, against those innocent and defenceless princesses. That his conduct towards the Begums has been marked by the most scandalous duplicity, the basest perfidy, the most unparalleled and grinding oppression, and the most insolent, wanton, and unmanly tyranny.

When, sir, the Court of Directors hearing of these enormously wicked transactions, ordered an inquiry to be instituted, the Governor General shrunk from

it with conscious guilt, and covered his evasion under a new and pompous doctrine, "That the majesty of justice was to be approached with supplication, and was not to lower itself by searching for crimes."

But I trust, sir, that the season of impunity has passed away. I cannot help indulging the hope that this house will vindicate the insulted character of justice; that it will exhibit its true quality, essence, and purposes; that it will demonstrate it to be, in the case before us, active, inquisitive, and avenging.

I have heard, sir, of factions and parties in this house, and know that they exist. There is scarcely a subject upon which we are not broken and divided into sects. The prerogatives of the crown find their advocates among the representatives of the people. The privileges of the people find opponents in the house of commons itself. The measures of every minister are supported by one body of men, and thwarted by another. Habits, connexions, parties, all lead to a diversity of opinion. But, sir, when inhumanity presents itself to our observation, it finds no division among us. We attack it as our common enemy, and conceiving that the character of the country is involved in our zeal for its ruin, we quit it not till it is completely overthrown. It is not given to this house, to behold the objects of its compassion and benevolence in the present extensive inquiry, as it was to the officers who relieved them, and who so feelingly described the extatick emotions of gratitude in the instant of deliverance. We cannot behold the workings of their hearts, the quivering lips, the triking tears, the loud, yet tremulous joys of the millions, whom our vote of this night will for ever save from the cruelty of corrupted power. But, though we cannot directly see the effect, is not the true enjoyment of our benevolence increased, by its being conferred unseen? Will not the omnipotence of Britain be demonstrated, to the wonder of nations, by stretching its mighty arm across the deep, and saving by its fiat distant millions from destruction?

And will the benedictions of the people thus saved dissipate in empty air? No. They will not. If I may dare to use the figure, they will constitute heaven itself their proxy, to receive for them the blessings of their pious thanksgiving, and the prayers their gratitude will dictate.

It is with confidence, therefore, sir, that I move you on this Charge, That Warren Hastings be impeached.

MR. SHERIDAN'S SPEECH,

ON SUMMING UP THE EVIDENCE ON THE SECOND, OR BEGUM
CHARGE AGAINST WARREN HASTINGS, ESQ. DELIVERED
BEFORE THE HIGH COURT OF PARLIAMENT, JUNE 1788.

THE two speeches of Mr. Sheridan on the trial of Warren Hastings, are undoubtedly more celebrated than any other productions of modern eloquence. But the "high and diffused renown" which they have acquired, must in a great degree be imputed to the impression excited by them in their delivery. For it is certain, no report of the speeches has hitherto been given to the publick which, as a whole, can aspire either to fidelity or unusual elegance.

The second speech, or the one pronounced in the house of lords, in reviewing the evidence on the Begum charge, is here presented in a far more perfect state than it has hitherto appeared. But even now, it is manifestly an abridgment, shorn of half the grace, and order, and beauty of the original. It still retains, however, many passages of the most sublime and exquisitely wrought eloquence.

As it is probable that these speeches were written compositions, copies of them may still be in Mr. Sheridan's possession, and we trust, if this be the case, he will be ultimately induced to gratify that desire which has been so often, so strongly, and so generally expressed by the lovers of eloquence to have them published. To withhold them altogether from the publick, he should recollect will be permitting his negligence to do criminal injustice to his own fame, to that of his country, and to the age which is entitled to boast of the glory of having given birth to these extraordinary productions.

SPEECH, &c.

MY LORDS,

I SHALL not waste your lordships' time on my own, by any preliminary observations on the importance of the subject before you, or on the propriety of our bringing it in this solemn manner to a final decision. My honourable friend, the prime mover of the impeachment, has already executed his task in a way the most masterly and impressive. By whose indignant and enterprising genius roused by the calls of publick justice, has with unprecedented labour, perseverance and eloquence excited the branch of the legislature to the vindication of our national character, and through whose means the house of commons now makes this embodied voice in favour of man against man's iniquity, need hardly be followed on the general grounds of the prosecution.

Confiding in the dignity, the liberality, and intelligence of the tribunal before which I now have the honour to appear in my delegated capacity of a manager, I do not, indeed, conceive it necessary to engage your lordships' attention for a single moment with any introductory animadversions. But there is one point which here presents itself, that it becomes me not to overlook. Insinuations have been thrown out, that my honourable colleagues and myself are actuated by motives of malignity against the unfortunate prisoner at the bar. An imputation of so serious a nature cannot be permitted to pass altogether without comment, though it comes in so loose a shape, in such whispers and oblique hints as to prove to a certainty that it was made in the consciousness, and, therefore, with the circumspection of falsehood.

I can, my lords, most confidently aver, that a prosecution more disinterested in all its motives and ends; more free from personal malice, or personal interest; more perfectly publick, and more purely animated by the simple and unmixed spirit of justice

never was brought in any country, at any time, by any body of men against any individual. What possible resentment can we entertain against the unfortunate prisoner? What possible interest can we have in his conviction? What possible object of a personal nature can we accomplish by his ruin? For myself, my lords, I make this solemn asseveration, that I discharge my breast of all malice, hatred, and ill will against the prisoner, if at any time indignation at his crimes has planted in it these passions, and I believe, my lords, that I may with equal truth answer for every one of my colleagues.

We are, my lords, anxious, in stating the crimes with which he is charged, to keep out of recollection the person of the unfortunate prisoner. In prosecuting him to conviction, we are impelled only by a sincere abhorrence of his guilt, and a sanguine hope of remedying future delinquency. We can have no private incentive to the part we have taken. We are actuated singly by the zeal we feel for the publick welfare, and by an honest solicitude for the honour of our country, and the happiness of those who are under its dominion and protection.

With such views, we really, my lords, lose sight of Mr. Hastings, who, however great in some other respects, is too insignificant to be blended with these important circumstances. The unfortunate prisoner is, at best, to my mind, no mighty object. Amidst the series of mischiefs and enormities to *my sense* seeming to surround him, what is he but a petty *nucleus*, involved in its *lamina*, scarcely seen or heard of.

This prosecution, my lords, was not, as is alleged, “begot in *prejudice*, and nursed in *error*.” It originated in the clearest conviction of the wrongs which the natives of Hindostan have endured by the maladministration of those in whose hands this country had placed extensive powers, which ought to have been exercised for the benefit of the governed, but which, was used by the prisoner for the shameful purpose of oppression. I repeat with emphasis,

my lords, that nothing personal or malicious has introduced us to institute this prosecution. It is absurd to suppose it. We come to your lordships, bar, as the representatives of the commons of England, and acting in this public capacity, it might as truly be said, that the commons in whose name the impeachment is brought before your lordships, were actuated by enmity to the prisoner, as that we their deputies have any private spleen to gratify in discharging the duty imposed upon us by our principals.

Your lordships will also recollect and discriminate between impeachment for *capital offences*, and impeachment for high crimes and misdemeanors. In an impeachment of the former kind, when the life of an individual is to be forfeited on conviction, if malignity be indulged in giving a strong tincture and colouring to facts, the tenderness of man's nature will revolt at it. For, however strongly indignant we may be at the perpetration of offences of a gross quality, there is a feeling that will protect an accused person from the influence of malignity in such a situation. But where no traces of this malice are discoverable; where no thirst of blood is seen; where seeking for exemplary, more than sanguinary justice, an impeachment is brought for high crimes and misdemeanors, malice will not be imputed to the prosecutors if in illustration of the crimes alleged, they should adduce every possible circumstance in support of their allegations. Why will it not? Because, their ends have nothing abhorrent to human tenderness; because, in such a case as the present, for instance, all that is aimed at in convicting the prisoner is a temporary seclusion from the society of his countrymen, whose name he has tarnished by his crimes, and a deduction from the enormous spoils which he has accumulated by his greedy rapacity.

The only matter which I shall in this stage of my inquiry lay before your lordships, in order to give you an impression of the influence of the crimes of the prisoner over the country in which they were

committed, is to refer to some passages in a letter of the Earl of Cornwallis.*

You see, my lords, that the British government, which ought to have been a blessing to the powers in India connected with it, has proved a scourge to the natives, and the cause of desolation to their most flourishing provinces.

Behold, my lords, this frightful picture of the consequences of a government of violence and oppression! Surely the condition of wretchedness to which this once happy and independent prince is reduced by our cruelty, and the ruin which in some way has been brought upon his country, call loudly upon your lordships to interpose, and to rescue the national honour and reputation from the infamy to which both will be exposed, if no investigation be made into the causes of their calamities, and no punishment inflicted on the authors of them. By *policy*, as well as *justice*, you are vehemently urged to vindicate the English character in the East. For, my lords, it is manifest that the native powers have so little reliance on our faith, that the preservation of our possessions in that division of the world, can only be affected by convincing the princes, that a religious

* Here Mr. Sheridan read the letter of Lord Cornwallis, then governour general of India, which stated that he had been received by the Nabob Vizier with every mark of friendship and respect; but that the attentions of the court of Lucknow did not prevent his seeing the desolation that overspread the face of the country, the sight of which had shocked his very soul. That he spoke to the Nabob on the subject, and earnestly recommended to him to adopt some system of government which might restore the prosperity of his kingdom and make his people happy. That the degraded prince replied to his lordship, "that as long as the demands of the English government upon the revenue of Oude should remain unlimited, he, the Nabob, could have no interest in establishing economy, and that while they continued to interfere in the internal regulations of the country, it would be in vain for him to attempt any salutary reform. For that his subjects knew he was only a cypher in his own dominions, and therefore laughed at, and despised his authority, and that of his subjects."

adherence to its engagements with them shall henceforth distinguish our India government.*

To these letters what answer shall we return? Let it not, my lords, be by *words*, which will not ~~and~~ credit with the natives who have been so often deceived by our professions, but by *deeds* which will assure them that we are at length truly in earnest. It is only by punishing those who have been guilty of the delinquencies which have ruined the country, and by showing that future criminals will not be encouraged, or countenanced by the ruling powers at home, that we can possibly gain confidence with the people of India. This alone will revive their respect for us, and secure our authority over them. This alone will restore to us the alienated attachment of the much injured Nabob, silence his clamours, hear his grievances, and remove his distrust. This alone will make him feel that he may cherish his people, cultivate his lands, and extend the mild hand of paternal care over a fertile and industrious kingdom, without dreading that prosperity will entail upon him new rapine and extortion. This alone will inspire the Nabob with confidence in the English government, and the subjects of Oude with confidence in the Nabob. This alone will give to the soil of that delightful country the advantages which it derived from a beneficent Providence, and make it

* To prove the necessity of bringing such a conviction to the mind of every native prince, Mr. Sheridan read a letter to lord Cornwallis from captain Kirkpatrick, who was resident at the court of the great Marratta Chief, Madajee Scindia. This letter stated that the new system of moderation introduced by his lordship was certainly the only one to give stability to the British empire in India, but also observed, that as the princes of that country had so frequently had cause to lament the infidelity of engagements, it would require time, and repeated proofs of good faith to convince them of the honesty of the professions thus held out to them. That *ambition*, or a desire of *conquest* should no longer be encouraged by British councils, and that a most scrupulous adherence to all treaties and engagements should be the basis of our future political transactions.

again, what it was when invaded by an English spoiler, the garden of India.

It is in the hope, my lords, of accomplishing these salutary ends, of restoring character to England, and happiness to India, that we have come to the bar of this exalted tribunal.

In looking round for an object fit to be held out to an oppressed people, and to the world as an example of national justice, we are forced to fix our eyes on Mr. Hastings. It is he, my lords, who has degraded our fame, and blasted our fortunes in the East. It is he, who has tyrannised, with relentless severity over the devoted natives of those regions. It is he who must atone, as a victim, for the multiplied calamities he has produced !

But though, my lords, I designate the prisoner as a proper subject of exemplary punishment, let it not be presumed that I wish to turn the sword of justice against him, merely because some example is required. Such a wish is as remote from my heart as it is from equity and law. Were I not persuaded that it is impossible I should fail in rendering the evidence of his crimes as conclusive as the effects of his conduct are confessedly afflicting, I should blush at having selected him as an object of retributive justice. If I invoke this heavy penalty on Mr. Hastings, it is because I honestly believe him to be a flagitious delinquent, and by far the most so of all those who have contributed to ruin the natives of India, and disgrace the inhabitants of Britain. But while I call for justice upon the prisoner, I sincerely desire to render him justice. It would, indeed, distress me, could I imagine that the weight and consequence of the house of commons, who are a party in this prosecution, could operate in the slightest degree to his prejudice. But I entertain no such solicitude or apprehension. It is the glory of the constitution under which we live, that no man can be punished without guilt, and this guilt must be publicly demonstrated by a series of clear, legal, manifest evidence, so that nothing dark, nothing oblique,

nothing authoritative, nothing insidious, shall work to the detriment of the subject. It is not the peering suspicion of apprehended guilt. It is not any popular abhorrence of its wide spread consequences. It is not the secret consciousness in the bosom of the judge, which can excite the vengeance of the law, and authorize its infliction! No. In this good law, as high as it is happy, because as just as it is free, all is definite, equitable, and exact. The laws must be satisfied before they are incurred; and ere a hair of the head can be plucked to the ground, *legal guilt* must be established by *legal proof*.

But, this cautious, circumspect, and guarded principle of English jurisprudence, which we all so much value and revere, I feel at present in some degree inconvenient, as it may prove an impediment to publick justice. For the managers of this impediment labour under difficulties with regard to evidence that can scarcely occur in any other prosecution. What! my lords, it may perhaps be asked, have none of the considerable persons who are sufferers by his crimes arrived to offer at your lordships' bar their testimony, mixed with their execrations against the prisoner? No—there are none. These sufferers are persons whose manners and prejudices keep them separate from all the world, and whose religion will not permit them to appear before your lordships. But are there no witnesses, unprejudiced spectators of these enormities, ready to come forward from the simple love of justice, and to give a faithful narrative of the transactions that passed under their eyes? No—there are none. The witnesses whom we have been compelled to summons are, for the most part, the emissaries and agents employed, and involved in these transactions; the wily accomplices of the prisoner's guilt, and the supple instruments of his oppressions. But are there collected no written documents, or authentick papers, containing a true and perfect account of his crimes? No—there are none. The only papers we have procured are written by the party himself, or the participators in his proceedings,

who studied, as it was their interest, though contrary to their duty, to conceal the criminality of their conduct, and consequently to disguise the truth.

But though, my lords, I dwell on the difficulties which the managers have to encounter with respect to the evidence in this impeachment, I do not solicit indulgence, or even mean to hint, that what we have adduced is in any material degree defective. Weak no doubt it is in some parts, and deplorable, as undistinguished by any compunctious visitings of repenting accomplices; but there is enough and enough in sure validity, notwithstanding every disadvantage and impediment, to abash the front of guilt no longer hid, and to flash those convictions on the minds of your lordships, which should be produced.

I now proceed, my lords, to review the evidence. The first article which I shall notice must, I think, be considered as pretty strong. It is the *defence* or rather the *defences* of the prisoner before the house of commons. For, he has already made *four*; three of which he has since abandoned and endeavoured to discredit. I believe, it is a novelty in the history of criminal jurisprudence, that a person accused should first set up a defence, and afterwards strive to invalidate it. But this certainly has been the course adopted by the prisoner; and I am the more surprised at it, as he has had the full benefit of the ablest counsel. Rescued from his own devious guidance, I could hardly have imagined that he would have acted so unwisely or indecently, as to evince his contempt of one house of parliament by confessing the impositions which he had practised on the other. But by this extraordinary proceeding he has given unwarily, to your lordships a pledge of his past truth, in the acknowledged falsehood of his present conduct.

In every court of law in England, the confession of a criminal, when not obtained by any promise of favour, or lenity, or by violent threats, is always admitted as conclusive evidence against himself. And

if such confession were made before a grave and respectable assembly of persons competent to take cognizance of crimes, there is no doubt but that it would have due weight, because, it is fair to presume that it must be voluntary, and not procured by any undue, or improper means. The prisoner has, in his defence, admitted many facts, and it is the intention of the managers accordingly to urge in support of the charges, his admission of them. For, when he did it, he was speaking the language not of inconsiderate rashness and haste, but of deliberate consideration and reflection, as will appear to your lordships by a passage which I shall cite from the introduction to the defence read by Mr. Hastings himself at the bar of the house of commons. He employs the following words "of the discouragement to which I allude, I shall mention but two points, and these it is incumbent upon me to mention, because, they relate to effects which the justice of this honourable house may, and I trust will, avert. The first is an obligation to my being at all committed in my defence, since, in so wide a field for discussion, it would be impossible not to admit some things, of which an advantage might be taken to turn them into evidence against myself, whereas *another* might as well use as I could, or better, the same materials of my defence, without involving me in the same consequences. But, I am sure the honourable house will yield me its protection against the cavils of unwarranted inference, and if the truth can tend to convict me, I am content to be myself the channel to convey it. The other objection lies in my own breast. It was not till Monday last that I formed the resolution, and I knew not then whether I might not, in consequence be laid under the obligation of preparing and completing in five days (and in effect so it proved) the refutation of charges which it has been the labour of my accuser, armed with all the powers of parliament, to compile, during as many years of almost undisturbed leisure."

Here then, my lords, the prisoner has upon deliberation committed his defence to paper, and after having five days to consider whether he should present it, or not, he actually delivers it himself to the house of commons as one founded in truth, and triumphantly remarks, that "*if truth could tend to convict him, he was willing to be himself the channel to convey it.*"

But what is his language now that he has the advice of counsel? Why, that there is not a word of *truth* in what he delivered to the house of commons as *truth*; that he has no knowledge of the facts; no recollection of the circumstances; that he has put his memory in trust, and duly nominated and appointed commissioners to take charge of it. Even his defences he commits to the same persons. For the fabrication of them he establishes a sort of manufactory, and like a master workman distributes around him the raw materials to all hands awaiting. To one he allots words to string, to another the spinning of arguments, and to a third the weaving of the web of the discourse. This arrangement is indeed convenient. By it, all the speed, and facility, and perfection is acquired which division of labour gives to art. To major Scott, he says, take care of my consistency. Mr. Middleton, you have my *memory* in commission! Prove me a financier, Mr. Shore. Answer for me Mr. Holt. And to you, Impey, I consign my humanity! Help, help, one and all of you, to bear me up under the pressure of my laurels, the burthen of my glory! Refresh and preserve me from the calentures of my state!

But, this journeyman's work after all is found to be defective. It is good enough for the house of commons, but not for your lordships. The prisoner presents himself at your bar, and his only apprehension seems to arise from what had been thus done for him. He exclaims, "I am careless of what the managers say or do. Some of them have high passions, and others have bitter words, but these I heed not. Save me from the peril of my own panegyrick;

snatch me from my own friends. Do not believe a syllable of what I said before. I cannot submit now to be tried, as I imprudently challenged, by the account which I have myself given of my own transactions." Such is the language of the prisoner, by which it appears that truth is not natural to him; but that falsehood comes at his beck. Truth, indeed, it is said, lies deep, and requires time and labour to gain, but falsehood swims on the surface, and is always at hand.

It is in this way, my lords, that the prisoner shows you how he sports with the dignity and feelings of the house by asserting that to be false, and not entitled to credit this day, which, on a former he had averred to be truth itself. Indeed, from this avowal and disavowal of defences, and from the present defence, differing from all the former, which have been delivered to your lordships, it does seem that Mr. Hastings thinks he may pursue this course just as far as best suits his convenience or advantage. It is not at all improbable, if he should deem it expedient, that he will hereafter abandon the one now submitted to you, and excuse himself by saying, "It was not made by me, but by my counsel, and I hope, therefore, your lordships will give no credit to it." But if he will abide by this, his last revised, and amended defence, I will join issue with him upon it, and prove it to be in numerous places void of truth, and in almost every part of it unfounded in argument as well as fact.

I am now to advert more particularly to the evidence in support of the allegations of the charge on which the prisoner is arraigned. We have already shown, most satisfactorily, that the Begums of Oude were of high birth and distinguished rank; the elder, or grandmother of the reigning prince being the daughter of a person of ancient and illustrious lineage, and the younger, or Prince's mother, of descent scarcely less noble. We have also shown, with equal clearness, by the testimony of several witnesses, how sacred is the residence of women in

India. To menace, therefore, the dwelling of these princesses with violation, as the prisoner did, was a species of torture, the cruelty of which, can only be conceived by those who are conversant with the peculiar customs and notions of the inhabitants of Hindostan.

We have nothing in Europe, my lords, which can give us an idea of the manners of the East. The Mahometans have some features of the character, but the Indians drew from their Persian ancestry a purer style of prejudices, and a loftier superstition. There is nothing gross in their taste, nothing debasing in their enjoyments. The custom of their seclusion bears little resemblance to the same practice in Turkey. With the women of the latter country it arises from *compulsion*, but with those of the former it is a *voluntary* sequestration. Their seclusion does not flow from any grovelling jealousy on the part of the men as in Turkey, but from a nice delicacy in the female breast, a jealousy of their own, which makes them shrink from common view in the chaste idea, that to be gazed upon and publicly admired is a species of pollution. They are denied liberty, it is true, but liberty so far from having charms to them, is shocking to their sensibility, and repugnant to their sacred habits. They are inshrined, rather than immured. They are placed in these retreats as saints to be worshipped, and to which no passion has access which is not softened and elevated by a holy superstition. Their sanctuaries are guarded and protected by national piety and national reverence.

What now, my lords, do you think of the tyranny and savage apathy of a man, who could act in open defiance of those prejudices which are so interwoven with the very existence of the females of the East, that they can be removed only by death? What do your lordships think of the atrocity of a man, who could threaten to prophane and violate the sanctuary of the princesses of Oude, by declaring that he would storm it with his troops, and expel the inhabitants from it by force? There is, my lords, displayed in

the whole of this black transaction a wantonness of cruelty, and ruffian like ferocity that happily are not often incident even to the most depraved and obdurate of our species.

Had there been in the composition of the prisoner's heart one generous propensity, or lenient disposition even slumbering and torpid, it must have been awakened and animated into kindness and mercy towards these singularly interesting females. Their character, and situation at the time, presented every circumstance to disarm hostility, and to kindle the glow of manly sympathy. But no tender impression could be made on his soul which is as hard as adamant, and as black as sin. Stable as the everlasting hills in its schemes and purposes of villany, it has never once been shaken by the cries of affliction, the claims of charity, or the complaints of injustice. With steady undeviating step, he marches on to the consummation of the abominable projects of wickedness which are engendered and contrived in its gloomy recesses. What his soul prepares, his hands are ever ready to execute.

It is true, my lords, that the prisoner is conspicuously gifted with the energy of vice, and the firmness of indurated sensibility. These are the qualities which he assiduously cultivates, and of which, his friends vauntingly exult. They have indeed, procured him his triumphs and his glories. Truly, my lords, they have spread his fame, and erected the sombre pyramids of his renown.

That the treasures, my lords, of the Zenana, the object of the prisoner's rapacity, and the incentive to his sacrilegious violation of this hallowed abode of the princesses of Oude, were their *private property*, justly acquired, and legally secured, and not the *money of the state* as is alleged, has been clearly and incontestably demonstrated. It must be recollected how conclusive was the testimony both positive and circumstantial which we brought to support this point. Believing that it must have pressed itself upon your memories, I shall avoid here the tediousness of a

detailed recapitulation. Permit me, however, to call your attention to a very brief summary of it.

It is in complete evidence before you that Sujah ul Dowlah, the husband of the elder Begum, entertained the warmest affection for his wife, and the liveliest solicitude for her happiness. Endearred to him by the double ties of conjugal attachment and the grateful remembrance of her exemplary conduct towards him in the season of his severest misfortunes, and accumulated distress, he seems, indeed, to have viewed her with an extravagance of fondness bordering on enthusiasm. You know, my lords, that when the Nabob was reduced, by the disastrous defeat which he sustained at Buxar to the utmost extremity of adverse fortune, she, regardless of the danger and difficulties of the enterprise, fled to him, for the purpose of administering to his misery the solace of tenderness, and prompted by the noblest sentiment, took along with her, for his relief, the jewels with which he had enriched her in his happier and more prosperous days. By the sale of these, he raised a large sum of money, and retrieved his fortunes. After this generous and truly exemplary conduct on her part, the devotion of the husband to the wife knew no bounds. Can any further proof be required of it than the appointment of his son, by her, as the successour to his throne? With these dispositions, then, towards his wife, and from the manifest ascendancy which she had acquired over him, is it, my lords, I ask an unwarrantable presumption that he did devise to her the treasures which she claimed? On the question of the legal right which the Nabob had to make such a bequest I shall not now dwell, it having been already shown beyond disputation by the learned manager* who opened the Charge, that, according to the theory as well as the practice of the Mahometan law, the reigning prince may alienate and dispose of either real or personal property.

* Mr. Adam.

But, it further appears, my lords, from the testimony which has been laid before you, that the younger Begum, or the Nabob's mother, lent money to her son, amounting to twenty-six lacks of rupees, for which, she received as a pledge, his bond. Here, is the *evidentia rei* that the money so lent was acknowledged to be hers. For no one borrows his own money and binds himself to repay it! But, my lords, let us look into the origin of this pretended claim to the Begums' treasures. We hear nothing of it till the Nabob became embarrassed by the enormous expense of maintaining the military establishments to which he was compelled by the present. Then, as a dernier resort, the title to the treasures was set up, as the property of the crown, which could not be willed away. This, truly was the dawn of the claim. Not long afterwards, we detect the open interference of Mr. Hastings in this fraudulent transaction. It was, indeed, hardly to be expected, that he would permit so favourable an occasion to escape of indulging his greedy rapacity. We find, accordingly, that Mr. Bristow, the resident at the court of Lucknow, duly received instructions to support, with all possible dexterity and intrigue, the pretensions of the Nabob. The result of the negotiation which in consequence took place was, that the mother, as well to relieve the distresses of her son, as to secure a portion of her property agreed finally to cancel his bond for the twenty-six lacks of rupees already lent, and to pay him thirty additional lacks, or 300,000*l.* making the whole 560,000*l.* sterling. Part of this sum, it was stipulated should be paid in goods contained in the Zenana, which, as they consisted of arms and other implements of war, the Nabob alleged to be the property of the state, and refused to receive in payment. The point, however, being referred to the Board at Calcutta, Mr. Hastings then, it is important to remark, vindicated the right of the Begum to all the goods of the Zenana, and brought over a majority of the council to his opinion. The matter in dispute being thus adjusted, a treaty between the

mother and son was formally entered into, and to which, the English became parties, guarantying its faithful execution. In consideration of the money paid to him by the mother, the son agreed to release all claim to the landed and remaining parts of the personal estate, left by his father Sujah ul Dowlah to the princess his widow. Whatever, therefore, might have been her title to this property before, her right under this treaty, and the guarantee, became as legal, as strong, and as obligatory as the laws of India, and the laws of nations, could possibly make it.

But, my lords, notwithstanding the opinion which Mr. Hastings so strenuously supported in the council at Calcutta of the absolute right of the princess to all the property in the Zenana, yet when it became convenient to his nefarious purposes to disown it, he, with an effrontery which has no example, declared that this *recorded decision* belonged not to him but to the majority of the council. That, in short, being reduced to an inefficient minority in the council, he did not consider himself as responsible for any of their acts, either of those he opposed or those he approved.

My lords, you are well acquainted with the nature of *majorities* and *minorities*. But how shall I instance this new doctrine? It is as if Mr. Burke, the *great leader of this prosecution* should some ten years hence *revile the managers*, and *commend Mr. Hastings*. What sir, might one of us exclaim to him, do you who *instigated the inquiry*; who *brought the charges against him*; who *impeached him*; who *convinced me by your arguments of his guilt*, speak of Mr. Hastings in this plausible style. Oh! but sir, replies Mr. Burke, this was done in the House of commons where at the time I was one of an *inefficient minority*, and consequently I am *not responsible for any measure, either those I opposed or approved.*"

If, my lords, at any future period, my honourable friend should become so lost to truth, to honour, and consistency, as to speak in this manner, what must be the publick estimation of his character? Just such was the conduct of the prisoner in avowing

that he did not consider himself responsible for the measures which he approved while controlled in the council by general Clavering, colonel Monson, and Mr. Francis, the only halcyon season that India saw during his administration.

But, my lords, let it be observed, that *the claims* of the Nabob to the treasures of the Begums were, at this time, the only plea alleged for the seizure. These were founded on a passage of the Koran which is perpetually quoted, but never proved. Not a word was then mentioned of the strange rebellion which was afterwards conjured up, and of which the *existence* and the *notoriety* were equally a secret!—a disaffection which was at its height, at the very moment when the Begums were dispensing their liberality to the Nabob, and exercising the greatest generosity to the English in distress!—a disturbance without its parallel in history, which was raised by two *women*—carried on by *eunuchs*, and finally suppressed by an *affidavit!!!*

No one, my lords, can contemplate the seizure of this treasure with the attendant circumstances of aggravation, without being struck with horror at the complicated wickedness of the transaction.

We have already seen the noblest heroism and magnanimity displayed by the mother Begum.

It was she, my lords, you will recollect who extricated by the most generous interposition her husband Sujah Dowlah from the rigours of his fortune after the fatal battle of Buxar. She even saved her son, the reigning nabob from death at the imminent hazard of her own life. She, also as you know, gave to her son his throne. A son so preserved, and so befriended, Mr. Hastings did arm against his benefactress, and his mother. He invaded the rights of that prince that he might compel him to violate the laws of nature, and the obligations of gratitude, by plundering his parent. Yes, my lords, it was the prisoner who cruelly instigated the son against the mother. That mother who had twice given life to her son, who had added to it a throne, was, incredi-

ble as it may appear, by the compulsion of that man at your bar, to whose guardianship she was bequeathed by a dying husband; by that man who is wholly insensible to every obligation which sets bounds to his rapacity and his oppression was she pillaged and undone! But the son was not without his excuse. In the moment of anguish, when bewailing his hapless condition, he exclaimed that it was the English who had driven him to the perpetration of such enormities. "It is they who have reduced me. They have converted me to their use. They have made me a slave to compel me to become a monster."

Let us now, my lords, turn to the negotiations of Mr. Middleton with the Begums in 1778, when the "discontents of the superiour Begum would have induced her to leave the country, unless her authority was sanctioned and her prosperity secured by the guarantee of the company." This guarantee, the counsel of Mr. Hastings have thought it necessary to deny, as knowing, that if the agreements with the elder Begum were proved, it would affix to their client the guilt of all the sufferings of the women of the Khord Mahal, the revenues for whose support were secured by the same engagement. In treating this part of the subject, the principal difficulty arises from the uncertain evidence of Mr. Middleton, who, though concerned in the negotiation of *four* treaties, could not recollect affixing his signature to *three* out of that number. It can, however, be shown, even by his evidence, that a treaty was signed in October 1778, wherein the rights of the elder Begum were fully recognised; a provision secured for the women and children of the late Vizier in the Khord Mahal; and that these engagements received the fullest sanction of Mr. Hastings. These facts are, moreover, confirmed by the evidence of Mr. Purling, a gentleman who delivered himself fairly, and as having no foul secrets to conceal. Mr. Purling swears he transmitted copies of these engagements in 1780, to Mr. Hastings at Calcutta; the answer returned was, "that in arranging the taxes on the other districts, he should pass over

the Jaghires of the Begums." No notice was then taken of any impropriety in the transactions in 1778, nor any notice given of an intended revocation of those engagements. But in June 1781, when General Clavering and Colonel Monson were no more, and Mr. Francis had returned to Europe, all the hoard and arrear of collected evil burst out without restraint, and Mr. Hastings determined on his journey to the Upper Provinces. It was then, this, without advertent to intermediate transactions, he met with the Nabob Asoph ul Doulah at Chunar, and received from him the mysterious present of 100,000*l*. To form a proper idea of this transaction, it is only necessary to consider the respective situation of him who gave and of him who received this present.

- It was not given by the Nabob from the superflux of his wealth, nor in the abundance of his esteem for the man to whom it was presented. It was on the contrary, a prodigal bounty, drawn from a country depopulated and sterilized by the grinding of oppression. It was raised by an exaction, which took what calamity had spared, and rapine overlooked, and pursued the angry dispensations of Providence, when a *prophetick* chastisement was inflicted on a *fated realm*. The secrecy, which marked this transaction is not the smallest proof of its criminality. When Benarum Pundit had, a short time before, made a present to the company of a lack of rupees, Mr. Hastings, in his own language, deemed it "worthy the praise of being recorded." But in this instance, when ten times that sum was given, neither Mr. Middleton nor the council were acquainted with the transaction, until Mr. Hastings, four months afterwards, felt himself compelled to write an account of it to England; and the intelligence returned thus circuitously to his friends in India! It is peculiarly observable in this transaction, how much the *distresses* of the different parties were at variance. Mr. Hastings, on travel to the Nabob to see, no doubt, and make into his *distresses*, but immediately takes from the 100,000*l*. to be applied to the *necessities* of the

distressed East India Company ; but on further deliberation, these considerations vanish. A *third* object arises more worthy than either of the former, and the money is taken from the one and demanded from the other, to be applied to the use of the *distressed* Mr. Hastings. This money, the prisoner alleges was appropriated to the payment of the army. But here he is unguardedly contradicted by the testimony, of his friend, major Scott, who shows it was employed to no such purpose. My lords, through all these windings of mysterious hypocrisy, and of artificial concealment is it not easy to discern the sense of hidden guilt ? Driven from every other hold, the prisoner is obliged to resort as a justification of his enormities to the stale pretext of *state necessity* ! Of this last disguise it is my duty to strip him. I will venture to say, my lords, that no one instance of real necessity can be adduced. The necessity which the prisoner alleges, listens to whispers for the purpose of crimination, and deals in rumour to prove its own existence. But *state necessity* is a tyrant which, when it stalks abroad assumes a manly front, manifests its power, and acts at least with an open, if not with a severe violence. Even where its rigours are suffered, its apology is also known ; and men accustomed to consider it in its true light, as a power which never can be derived from a just government, are ready to submit in emergencies, where its exercise is calculated to prevent greater evils than it occasions. But the *state necessity* of Mr. Hastings is a juggle ; it is a being that prowls in the dark ; it is to be found in the ravages which it commits, but never to be traced in the benefits conferred, or in evils prevented. I can conceive justifiable occasions for the exercise even of outrage, in which great publick benefits demand the sacrifice of private right. To a general leading the armies of Britain ; to an admiral bearing her trident over the seas, the plea of necessity may be indulged if, while devoting their blood to the service of their country, they should in an imminent hazard, or pressing emer-

gency, commit some act of violence. *State necessity!* grand, magnanimous, and all commanding, goes hand in hand with honour, if not with use. I say, my lords, there is a *state necessity* which in certain cases may be practised without the fear of punishment or reprehension. Should a brave commander, fixed like an imperial eagle on the summit of an assaulted rock strip its sides of the verdure and foliage with which it might be clothed, while immersed on the top in the thunders which he was successfully pouring on the foe, would he be brought by the house of commons to their bar? No, my lords, never would his grateful and admiring countrymen think of questioning actions which though accompanied by private wrong, yet were warranted by real necessity. But is the *state necessity* which is pleaded by the prisoner in defence of his conduct, of this description? I challenge him to produce a single instance in which any of his private acts were productive of publick advantage, or averted impending evil.

We come now to the treaty of Chunar, which preceded the acceptance of the bribe to which we have already alluded. This transaction, my lords, had its beginning in corruption, its continuance in fraud, and its end in violence. The first proposition of the Nabob, was, that our army should be removed and all the English be recalled from his dominions. He felt the weight of their oppression. He declared, to use his own language, that "*the English are the bane and ruin of my affairs. Leave my country to myself and all will yet be recovered.*" He was aware, my lords, that though their predecessors had exhausted his revenue; though they had shaken the tree till nothing remained upon its *leafless branches*, yet that a new flight was upon the wing to watch the first buddings of its prosperity, and to nip every promise of future luxuriance. To the demands of the nabob, Mr. Hastings finally acceded. The bribe was the price of his acquiescence. But with the usual perfidy of the prisoner, this condition of the treaty never was

performed. You will recollect, my lords, that Mr. Middleton was asked, whether the orders which were pretended to be given for the removal of the English were, in any instance, carried into effect? To this question he refused at first to answer, as tending to criminate himself. But when his objection was overruled, and it was decided that he should answer, so much was he agitated, that he lost all memory. It turned out, however, by an amended recollection, that he never received any *direct order* from Mr. Hastings. But, my lords, who can believe that a direct order is necessary when Mr. Hastings wants the services of Mr. Middleton? Rely upon it, a hint is sufficient to this servile dependant, and obsequious parasite. Mr. Hastings has only to turn his *eye towards him*, that eye at whose scowl princes turn pale, and his wishes are obeyed.

But, my lords, this is not the only instance in which the Nabob was duped by the bad faith of the prisoner. In the agreement relative to the resumption of the Jaghires, the prince had demanded and obtained leave to resume those of certain individuals. But Mr. Hastings, knowing that there were some favourites of the Nabob whom he could not be brought to dispossess, defeated the permission without the least regard to the existing stipulations to the contrary, by making the order general.

Such, my lords, is the conduct of which Mr. Hastings is capable, not in the moment of cold or crafty policy, but in the hour of confidence, and during the effervescence of his gratitude for a favour received! Thus did he betray the man to whose liberality he stood indebted. Even the gratitude, my lords, of the prisoner seems *perilous*. For, we behold here the *danger* which actually awaited the return he made to an effusion of *generosity*!

The fact is, my lords, as appears from the clearest evidence, that when Mr. Hastings left Calcutta he had *two resources* in view, *Benares* and *Oude*. The first having failed him, in consequence of the unexpected insurrection which terminated, unhappily for

him, in the capture of Bedjigar, he turned his attention to Oude, previously, however, desolating the former province which he was unable to pillage, destroying and cutting off the very sources of life. Thus frustrated in his original design, the genius of the prisoner, ever fertile in expedients, fixed itself on the treasures of the Begums, and now devised as an apology for the signal act of cruelty and rapacity which he was meditating, the memorable rebellion; and, to substantiate the participation of these unfortunate princesses in it, he despatched the chief justice of India to collect materials. The conduct of Sir Elijah Impey in this business, with all deference to the protest which he has entered against being spoken of in a place where he cannot have the privilege of replying, I do not think ought to be passed over without animadversion. Not that I mean to say any thing harsh of this elevated character, who was selected to bear forth and to administer to India the blessings of English jurisprudence. I will not question either his feebleness of memory, or dispute in any respect the convenient doctrine which he has set up in his vindication, "*that what he should have done, it is likely he actually did perform.*"

I have always thought, my lords, that the appointment of the chief justice to so low and nefarious an office as that in which he was employed, is one of the strongest aggravations of Mr. Hastings's guilt. That an officer, the purity and lustre of whose character should be maintained even in the most domestic retirement; that he, who, if consulting the dignity of British justice, ought to have continued as stationary as his court, at Calcutta; that such an exalted character, I repeat, as the chief justice of India should have been forced on a circuit of five hundred miles for the purpose of transacting such a business, was a degradation without an example, and a deviation from propriety which has no apology. But, my lords, this is in some degree a question which is to be abstracted for the consideration of those who adorn and illumine the seats of justice in Britain, and the rectitude of

whose deportment precludes the necessity of any further observations on so opposite a conduct.

The manner, my lords, in which sir Elijah Impey delivered his evidence deserves also your attention. He admitted, you will recollect, that in giving it, he never answered without looking equally to the *probability*, and the *fact* in question. Sometimes he allowed circumstances of which he said, he had no *recollection* beyond the mere *probability* that they had taken place. By consulting in this manner what was *probable*, and the contrary, he may certainly have corrected his memory at times. I am, at all events, content to accept of this mode of giving his testimony, provided that the converse of the proposition has also a place, and that where a circumstance is *improbable*, a similar degree of credit may be subtracted from the testimony of the witness. Five times in the house of commons, and twice in this court, for instance, has sir Elijah Impey born testimony that a rebellion was raging at Fyzabad, at the period of his journey to Lucknow. Yet on the eighth examination he contradicted all the former, and declared, that what he meant was, that the rebellion *had* been raging, and the country was then in some degree restored to quiet. The reasons he assigned for the former errors were, that he had forgotten a letter received from Mr. Hastings, informing him that the rebellion was quelled, and that he had also forgotten his own proposition of travelling through Fyzabad to Lucknow. With respect to the letter, nothing can be said, as it is not in evidence; but the other observation can scarcely be admitted, when it is recollected that in the house of commons Sir Elijah Impey declared, that it was his proposal to travel through Fyzabad, which had originally brought forth the intelligence that the way was obstructed by the rebellion; and that in consequence of it he altered his route and went by the way of Illahabad. But what is yet more singular is, that on his return he again would have come by the way of Fyzabad, if he had not been once more informed of the

danger. So that, had it not been for these friendly informations, the chief justice would have run plump into the very focus of the rebellion !

These, my lords, are the pretexts by which the fiction of a rebellion was endeavoured to be forced on the publick credulity. But the trick is now discovered, and the contriver and the executer are alike exposed to the scorn and derision of the world.

There are two circumstances here, which are worthy of remark. The first is, that Sir Elijah Impey, when charged with so dangerous a commission as that of procuring evidence to prove that the Begums had meditated the expulsion of the Nabob from the throne, and the English from Bengal, twice intended to pass through the city of their residence. But, my lords, this giddy chief justice disregards business. He wants to see the country. Like some *innocent* schoolboy he takes the primrose path and amuses himself as he goes. He thinks not that his errand is in danger and death ; and that his *party of pleasure* ends in loading others with irons." When at *Lucknow*, he never mentions the affidavits to the Nabob. No : he is too polite. Nor from the same courtesy, to Mr. Hastings. He is, indeed, a *master of ceremonies* in Justice !

When examined, the witness sarcastically remarked " that there must have been a *sworn interpreter* from the *looks of the manager*." How I looked, Heaven knows ! But such a physiognomist there is no escaping. *He sees a sworn interpreter in my looks !* He sees the manner of taking an oath *in my looks*. He sees the *Basin of the Ganges in my looks !* As for himself, he looks only at the *tops and bottoms of affidavits !* In seven years he takes care never to *look at these swearings*. But when he does *examine them*, he *knows less* than before !

The other circumstance, my lords, to which I have alluded, is, that it is fair to presume that Sir Elijah Impey was dissuaded by Mr. Hastings and Middleton from passing by the way of Fyzabad, as

they well knew, that if he approached the Begums he would be convinced by their reception of him as the friend of the governour general, that nothing could be more foreign from the truth than their suspected disaffection. Neither should it escape your notice, my lords, that while he was taking evidence at Lucknow in the face of day, in support of the charge of rebellion against the princesses, the chief justice heard not a word either from the Nabob or his minister, though he frequently conversed with both, of any treasonable machinations, or plottings ! Equally unaccountable does it appear, that Sir Elijah Impey, who advised the taking of these affidavits for the safety of the prisoner at your bar, did not read them at the time to see whether, or not, they were adequate to this purpose.

At length it seems, he did read the affidavits, but not till after having declared on oath that he thought it unnecessary. To this he acknowledged he was induced " by having been misled by one of the managers on the part of the commons, who by looking at a book which he held in his hand, had entrapt him to own that a sworn interpreter was present when he received these affidavits, and that he was perfectly satisfied with his conduct on the occasion."

Now, my lords, how I, by merely looking into a book, could *intimate* the presence of an interpreter, and could also *look* the satisfaction conceived by the Chief Justice on the occasion, when it clearly appears by the evidence, that there was no interpreter present, are points which I believe he alone can explain.

I will concede to the witness, as he seems desirous it should be done, that he did not strictly attend to form, when taking these affidavits. I will admit, that he merely directed the Bible to be offered to the whites, and the Koran to the blacks, and packed up their depositions in his wallet without any examination ; or I will admit that he glanced them over in India, having previously cut off all communication between his *eye* and his *mind*, so that nothing was transferred from the one to the other. Extraordinary

as these circumstances certainly are, I will nevertheless admit them all, or if it be preferred by the prisoner I will admit that the affidavits were legally and properly taken. For in whatever light they may be received, I will prove that they are not sufficient to sustain a single allegation of criminality against those they were designed to inculcate.

But it is to these documents, my lords, such as they are, that the defence of the prisoner is principally confided, and on the degree of respect which may be given to them by your lordships does the event of this trial materially depend.

Considered, therefore, in this view, I shall presently solicit your lordships' attention while I examine them at some length, and with some care. But before I enter into the analysis of the testimony, permit me to remind the court that the charge against the princesses of Oude, to substantiate which these affidavits were taken, consisted originally of two allegations. They were accused of a *uniform spirit of hostility to the British government*, as well as *the overt act of rebellion*. But, my lords, the first part of the charge the counsel for the prisoner have been compelled to abandon, not being able to get one fact out of the whole farrago of these depositions to support it.

When the half of an accusation is thus deserted for the want of proof, is it not natural for us to suspect the whole? I do not say that it absolutely shows the falsity of it, nor do I mean to employ such an argument. But I maintain that it should influence the mind so far as to make it curious and severely inquisitive into the other branch of the charge, and to render it distrustful of its truth.

But in this particular case the court have an additional motive for jealousy and suspicion. It will not escape the recollection of your lordships, in weighing the validity of the allegation which now remains to be considered, namely, "*that the Begums influenced the Jaghirdars, and excited the discontents in Oude,*" what were the circumstances in which it arose, and by whom it was preferred. You will bear

in mind, my lords, that it appears in evidence, that Mr. Hastings left Calcutta in the year 1781, for the avowed purpose of collecting a large sum of money, and that he had only two resources. Failing in Benares, as we have already seen, he next lays his rapacious hand on the treasures of the Begums. Here, then, we have in the person of the prisoner both the accuser and the judge. With much caution, therefore, should this judge be heard who has apparently at least, a profit in the conviction, and an interest in the condemnation of the party to be tried. I say nothing of the gross turpitude of such a double character, nor of the frontless disregard of all those feelings which revolt at mixing offices so distinct and incompatible.

The next point which I wish to press on your lordships' consideration previously to my taking up the affidavits is, the infinite improbability of the attempt which is alleged to have been made by the Begums to dethrone the Nabob and exterminate the English. Estimating the power of the princesses at the highest standard, it manifestly was not in their reach to accomplish any overthrow decisive or even momentary, of their sovereign, much less of the English. I am not so weak, however, as to argue that because the success of an enterprise seems impossible, and no adequate reason can be assigned for undertaking it that it will therefore never be attempted, or that because the Begums having no interest in exciting a rebellion, or sufficient prospect of succeeding in it, they are innocent of the charge. I cannot look at the prisoner without knowing and being compelled to confess, that there are persons of such a turn of mind as to prosecute mischief without interest, and that there are passions of the human soul which lead, without a motive, to the perpetration of crimes.

I do not, therefore, my lords, wish it to be understood that I am contending that the charge is rendered, by the matter I have stated, absolutely false. All I mean is, that an accusation made under such cir-

cumstances, should be received with much doubt and circumspection, and that your lordships, remembering how it is preferred, will accompany me through the discussion of the affidavits, free and uninfluenced by any bias derived from the positive manner in which the guilt of the Begums has been pronounced.

We now come to the examination of this mass of evidence, which Mr. Hastings conceives of so much consequence to his acquittal, on the present charge. In the defence which has been submitted to your lordships, the prisoner complains most bitterly that the chief mover of the prosecution treated these affidavits in his *peculiar manner*. What the *peculiar manner* of my honourable friend * here alluded to, was, I cannot tell. But I will say, that if he treated them in any other way than as the most rash, irregular, and irrelevant testimony which was ever brought before a judicial tribunal he did not do as they deserved. The prisoner has had moreover, the hardihood to assert that they were taken for the purpose of procuring the best possible information of the state of the country, and of the circumstances of the insurrection, and being, therefore, merely accessary evidence in the present case, were entitled to more weight. This, I declare, without hesitation, to be a falsehood. They were taken, I aver, for the sole and exclusive purpose of vindicating the plunder of the Begums.

They were taken to justify what was afterwards to be done. Disappointed at Benares, he turned to the remaining resource, the treasures of the princesses, and prepared as a pretext for his meditated robbery, these documents.

I shall proceed to examine the affidavits severally as far as they relate to the charge against the Begums.†

* Mr. Burke.

† We pretend not to give more than a mere summary, and that a very brief one, of this part of Mr. Sheridan's speech. In the discussion of these affidavits he was very copious; reading, comparing, and commenting on the whole with an

They really contain, my lords, nothing except vague rumour and improbable surmise. It is stated, for example, by one of these deponents, a black officer in a regiment of Sepoys, that having a considerable number of persons as hostages in a fort where he commanded, who were sent thither by Col. Hannay, the country people surrounded the fort and demanded their release. But instead of complying with their demand he put twenty of these hostages to death; and on a subsequent day that the heads of eighteen more were struck off, including the head of a great rajah. That in consequence of this last execution, the populace became exceedingly exasperated, and among the crowd several persons were heard to say, *that the Begums had offered a reward of a thousand rupees for the head of every European; one hundred for the head of every sepoy officer, and ten for the head of a common sepoy.* Now, my lords, it appears pretty clearly that no such reward was ever offered. For, when this garrison evacuated the fort, the people told captain Gordon who then commanded it, that if he would deliver up his arms, and baggage, they would permit him and his men to continue their march unmolested. So little did the people, indeed, think of enriching themselves by this *process of decapitation*, that when the detachment of British forces was reduced to *ten men*, and when of course the slaughter of them would have been a work of no danger or difficulty, they were still permitted to proceed on their route without any interruption.

uncommon degree of force, acuteness, and eloquence; sometimes employing too, the severest sarcasm, and wit the most pungent and brilliant.

Speaking of the testimony of one of the officers of the army, who had given three affidavits in the same day, he observed "that he had sworn once—then again—and made nothing of it: then comes he with another, and swears a third time, and in *company* does better. *Single handed*, he can do nothing—but succeeds by *platoon swearing*, and *volleys of oaths!*"

Captain Gordon, himself, *supposes* that the Begums encouraged the country people to rise, because, when he arrived at the bank of the river Saunda Nutta at the opposite side of which stands the town of Nutta, the Fowzdar, or Governour, who commanded there for the Bow Begum, in whose Jaghire the town lay, did not *instantly* send boats to carry him and his men over the river, and because, the Fouzdar pointed two or three guns across the river. Even admitting this statement to be true, I cannot see how it is to affect the Begums. Where is the symptom of hostility? Surely it was the duty of the commanding officer of the fort not to let any troops pass until he ascertained who they were, and for what purpose they came. To have done otherwise would have been unmilitary, and a violation of the most sacred duties of his station. But, my lords, after a while captain Gordon crosses the river, and finds himself in a place of safety, as soon as he enters a town which was under *the authority of the Begums*, where he was treated with kindness, and afterwards sent with a *protecting guard* to colonel Hannay. This last circumstance which is mentioned in the first affidavit of captain Gordon, is suppressed in the second one, for what purpose, it is obvious. But let us attend to the testimony of Hyder Beg Cawn, who, as the minister of the Nabob was the person, certainly, of all others, the best acquainted with the transactions then passing in the country. Though with every source of intelligence open to him, and swearing *both to rumour and to fact*, he does not mention a syllable in proof of the pretended rebellion which was to dethrone his sovereign, nor even hint at any thing of the kind.

Neither, my lords, is the evidence of the English officers more conclusive. That of Mr. Middleton, which has been so much relied upon, contains but a single passage which is at all pertinent, and this is not legal evidence. He says, "there was a *general report* that the Begums had given much encouragement and some aid to the Jaghiredars in resisting the

resumption, and that *he had heard* there had been a good disposition in them towards the Rajah Cheyt Sing. His evidence is mere hearsay. He knows nothing of himself. He saw no insurrection. He met with no unfriendly dispositions. But on the mere rumours which he has stated did this conscientious servant of Mr. Hastings with promptitude execute the scheme of plunder which his master had devised.

The testimony of Colonel Hanney is of the same description. He simply states that "three Zemindars *told him* that they were *credibly informed*, that the Begums had a hostile design against the Nabob. When asked who these Zemindars were, he replied, that he was not at liberty to disclose their names. They had made the communication to him under an express injunction of secrecy which he could not violate.

There is also the deposition of a Frenchman, which is drawn up quite in the style of magnificence and glitter which belongs to his nation. He talks of having penetrated immeasurable wilds; of having seen tygers and other prowling monsters of the forest; of having surveyed mountains, and navigated streams; of having been entertained in palaces and menaced with dungeons; of having heard a *number of rumours*, but never saw any *rebellious or hostile appearances*.

Such, my lords, are the contents of these memorable depositions, on which, the prisoner relies, as a vindication of an act of the most transcendent rapacity and injustice of which there is any record or tradition.

I know, my lords, that if I were in a court of law, sitting merely to try the question of the validity of this testimony, to rise in order to comment upon it, I should be prevented from proceeding. By the bench I should be asked, "What do you mean to do? There is nothing in these affidavits upon which we can permit you for a minute to occupy the time of the court. There is not from the beginning to

the end, one particle of legal, substantial, or even defensible proof. There is nothing except hearsay and rumour." But though, my lords, I am persuaded that such would be the admonition which I should receive from the court, yet being exceedingly anxious to meet every thing at your lordships' bar on which the prisoner can build the smallest degree of dependance, I must pray your indulgence while I examine separately the points which are attempted to be set up by these affidavits.

They are three in number.

1. That the Begums gave assistance to Rajah Cheyt Sing.
2. That they encouraged and assisted the Jaghireddars to resist the resumption of the Jaghires. And
3. That they were the principal movers of all the commotions in Oude.

These, my lords, are the three allegations that the affidavits are to sustain, and which are accompanied with the general charge that the Begums were in rebellion.

Of the rebellion here pretended, I cannot, my lord, find a trace. With the care and indefatigable industry of an antiquary, hunting for some precious vestige which is to decide the truth of his speculations, have I searched for the evidence of it. Though we have heard it spoken of with as much certainty as the one which happened in Scotland in the year 1745, not the slightest appearance of it can I discover. I am unable to ascertain either the time when, or the place where it raged. No army has been seen to collect; no battle to be fought; no blood to be spilt. It was a rebellion of which the inhabitants of the province of Oude had never heard.

Beginning in *nothing*, it continued *without raging*, and ended *as it originated!*

If, my lords, rebellions of this mysterious nature can happen, it is time for us to look about us. Who can say that one does not now exist, which menaces our safety? Perhaps at the very moment I am speaking one ravages our city., Perhaps it may be lying

perdue in a neighbouring village. Perhaps, like the ostentatious encampment which has given celebrity to Brentford and Ealing it may have fixed its quarters at Hammersmith, or Islington, ready to pour down its violence at the approach of night !

But, my lords, let us endeavour to fix the time when this horrid rebellion occurred. To the first of August 1781, it is clear there was none. At this date letters were received from colonel Morgan, the commanding officer in Oude, who is silent on the subject. On the 27th of September he gives an account of some insurrections at *Lucknow*, but of *none at Fyzabad*. Nearly of the same date there is a letter from Major Hanney, then at the Rajah's court, in which the state of his affairs are described, but no suspicion expressed of his being assisted by the Begums.

At this time, therefore, there was certainly no rebellion, or disaffection displayed. Nay, we find on the contrary, the nabob going to visit his mother, the very princess who is charged with revolting against his authority. But, my lords, it is alleged that he was attended by two thousand horse, and the inference is drawn by the counsel of the prisoner that he took this military force to quell the insurrection ; to confirm which, they appealed to Mr. Middleton, who being asked whether these troops were well appointed, caught in an instant, a gleam of *martial memory*,* and answered in the affirmative. Unfortunately, however, for the *martial memory* of Mr. Middleton, it is stated by captain Edwards who was with the nabob as his aid-de-camp, that there were not more than five or six hundred horse, and these so bad, and miserably equipped that they were unable to keep up with him, so that very few were near his person, or within the reach of his command. That of these few, the most were mutinous from being ill paid, and were rather disposed to promote than put down any insurrection. But, my lords, I will concede to the prisoner the full

* Alludes to Mr. Middleton having declared on a former occasion, that he had no *memory for military affairs*.

amount of military force for which he anxiously contends. I will allow the whole two thousand cavalry to enter in a gallop into the very city of Fyzabad. For, has not captain Edwards proved that they were only the usual guard of the Nabob? Has not, moreover, Mr. Middleton himself declared, rather indiscreetly I confess, "that it is the constant custom of the princes of India to travel with a great equipage, and that it would be considered an unpardonable disrespect to the person visited were they to come unescorted." This, my lords, is really the truth. The Indian princes never perform a journey without a splendid retinue. The habits of the East require ostentation and parade.

They do not as the princes of Europe, who sometimes from one motive, and sometimes from another; at times from political views, and at times from curiosity, travel, some to France to learn manners, and others to England to learn liberty, choose to be relieved from the pomps of state, and the drudgery of equipage. But, my lords, perhaps, in this instance the Nabob wishing to adapt himself to the service on which he was going, did dispense with his usual style. Hearing of a rebellion without an army, he may have thought that it could only with propriety be attacked by a *prince* without a *guard*.

It has also been contended, my lords, in proof of this rebellion that one thousand Nudgies were raised at Fyzabad and sent to the assistance of Cheyt Sing.

It is deemed a matter of no consequence that the officer second in command to the Rajah, has positively sworn that these troops came from Lucknow, and not from Fyzabad. This, the prisoner wishes to have considered as only the trifling mistake of the name of one capital for another. But he has found it more difficult to get over the fact which has been attested by the same witness, that the troops were of a different description from those in the service of the Begums, being *matchlock*, and not *swords* men.

It is, therefore, manifest that the troops were not furnished by the princesses, and it seems highly probable that they did come from Lucknow; not that they were sent by the Nabob, but by some of the powerful Jaghiredars who have uniformly avowed an aversion to the English.

It has been more than once mentioned, by some of the witnesses, my lords, that Sabid Ally, the younger son of the Bow Begum was deeply and criminally concerned in these transactions. Why was he, therefore, permitted to escape with impunity? To this question Sir Elijah Impey gave a very satisfactory answer, when he informed us that the young man was miserably poor and a bankrupt. Here is a complete solution of the enigma. There never enters into the mind of Mr. Hastings a *suspicion* of treason where there is no *treasure*.

Sabid Ally found, therefore, protection in his *poverty*, and *safety* in his *insolvency*. My lords, the political sagacity of Mr. Hastings exhibits the converse of the doctrine which the experience of history has established. Hitherto it has generally been deemed that the possession of property attaches a person to the country which contains it, and makes him cautious how he hazards any enterprise which might be productive of innovation, or draw upon him the suspicion, or displeasure of government, and that, on the contrary, the needy having no permanent stake, are always desperate, and easily seduced into commotions which promise any change. But, my lords, the prisoner inverting this doctrine, has, in the true spirit of rapacity and speculation which belongs to him never failed to recognise loyalty in *want*, and to discern treason in *wealth*.

Allow me, now, my lords, to lay before you some of those proofs which we have collected of the steady friendship, and good dispositions of the Begums to the English interests. I have in my hands a letter from one of them, which I will read, complaining of the cruel and unjust suspicions that were entertained

of her fidelity.* Your lordships must perceive the extraordinary energy which the plain and simple language of truth gives to her representations. Her complaints are eloquence; her supplications persuasion; her remonstrances conviction.

I call, moreover, the attention of the court to the interference of the Bow Begum in behalf of Captain Gordon by which his life was saved, at a moment,

* The following is the letter:—"The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my Jaghire. The state of the matter is this:—When Colonel Hannay was by Mr. Hastings ordered to march to Benares during the troubles of Cheyt Sing, the colonel, who had plundered the whole country, was incapable of proceeding, from the union of thousands of Zemindars, who had seized this favourable opportunity. They harrassed Mr. Gordon, near Junivard, and the Zemindars of that place and Acherpore opposed his march from there, till he arrived near Saunda. As the Saunda Nutta, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the Fouzdar to supply him. He replied, the boats were all in the river; but would assist him, according to orders, as soon as possible. Mr. Gordon's situation would not admit of his waiting; he forded the Nutta upon his elephant, and was hospitably received and entertained by the Fouzdar for six days. In the mean time, a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere I readily complied, and sent some companies of Nejeebs to escort Mr. Gordon and all his effects to Fyzabad; where, having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks received from both these gentlemen, upon this occasion, are still in my possession, copies of which I gave in charge to Major Gilpin to be delivered to Mr. Middleton, that he might forward them to the governor general. To be brief, those who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, that, notwithstanding the justness of my cause, nobody relieves my misfortunes! My prayers have been constantly offered to Heaven for your arrival. Report has announced it, for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but weighing in the scale of justice *their falsehood and my representations*, you will exert your influence in putting a period to the misfortune with which I am overwhelmed."

when if the princesses wished to strike a blow against the English, they might have done it with success. This man, whose life was thus preserved, and who, in the first burst of the natural feelings of the heart, poured forth his grateful acknowledgments of the obligation, afterwards became the instrument of the destruction of his protectress. I will produce the letter wherein he thanks her for her interference, and confesses that he owes his life to her bounty.†

It has been asked with an air of some triumph, why captain Gordon was not called to the bar? Why call him to the bar? Would he not, as he has done in his affidavit, suppress the portion of testimony we require?

I trust that he may never be brought to swear in this case till he becomes sensible of his guilt, and feels an ardent contrite zeal to do justice to his benefactress, and to render her the most ample atonement for the injuries which she has sustained by his ingratitude and wickedness.

The conduct of captain Gordon, in this instance, is so astonishingly depraved, that I confess I am in some degree disposed to incredulity. I can scarcely believe it possible, that, after having repeatedly acknowledged that he owed his life and liberty to her beneficent hand, he could so far forget these obligations as spontaneously, and of his own free will to come forward, and expend a part of that breath which she had preserved in an affidavit by which her ruin was to be effected! My knowledge of the human heart will hardly permit me to think that any rational being could deliberately commit

† Mr. Sheridan read the following letter.—“Begum Saib, of exalted dignity and generosity, &c. whom God preserve.

After presenting the usual compliments of servitude, &c. in the customary manner, my address is presented. Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth and prosperity.—*The welfare of your servant is entirely owing to your favour and benevolence, &c. &c.*

an act of such wanton atrocity. I must imagine that there has been some scandalous deception. Told on by Mr. Middleton, he made his devotion, ignorant to what purpose it would be used. Every feeling of humanity recoils at the transaction viewed in any other light. It is incredible that any intelligent person could be capable of standing in the presence of God, and of exclaiming, "To thee, my benevolent friend, the breath I now draw, due to Heaven, I owe to you. My existence is an emanation from your bounty. I am indebted to you beyond all possibility of return, and therefore my *existence* shall be your *destruction*."

If, my lords, I am right in my conjecture that captain Gordon was thus seduced into the overthrow of his benefactress, I hope he will present himself at your bar, and by stating the imposition which was practised upon him, vindicate his own character and that of human nature from this foul imputation.

The original letters which passed on this occasion between captain Gordon and the Begum, were transmitted by her to Mr. Middleton for the purpose of being shown to the governor general. These letters Mr. Middleton endeavoured to conceal. His book, into which they were transcribed, is deposited among those leaves which contained them. When questioned about them, he said that he had deposited Persian copies of the letters in the office at Lucknow; and that he did not bring translations of them with him to Calcutta, because he left the city the very next day after receiving the originals. But, my lords, I will boldly assert, that this *perjury* is a *black and barefaced perjury*. It can be proved that Middleton received the letters at least a month before he departed from Lucknow. He left the city on the 17th of October, and he received them on the 20th of the preceding month. Well aware that by these documents the purity of the Begums' intentions would be made manifest; that while accused of disaffection their attachment was fully displayed, he, as their punishment was predetermined, found

it necessary to suppress the testimonials of their innocence. But, my lords, these letters, covered as they were by every artifice which the vilest ingenuity could devise to hide them have been discovered, and are now bared to view by the aid of that Power to whom all creation must bend—to whom nothing, in the whole system of thought or action, is impossible; who can invigorate the arm of infancy with a giant's nerve; who can bring light out of darkness, and good out of evil; can view the confines of hidden mischief, and drag forth each minister of guilt from amidst his deeds of darkness and disaster, reluctant, alas! and unrepenting, to exemplify at least, if not atone, and to qualify any casual sufferings of innocence by the final doom of its opposite;—to prove there are the never failing corrections of God, to make straight the obliquity of man!

My lords, the prisoner in his defence has ascribed the benevolent interposition of the Begum in favour of captain Gordon to her knowledge of the successes of the English. This is an imputation as ungenerous as it is false. The only success which the British troops met with, at this time, was that of Colonel Blair, on the 3d of September, but he himself acknowledged that another victory gained at such a loss would be equal to a defeat. The reports that were circulated throughout the country, so far from being calculated to strike the Princesses with awe of the English, were entirely the reverse. These were, that Mr. Hastings had been slain at Benares, and that the English had sustained the most disastrous defeats.

But, my lords, to remove every doubt from your minds, I will recur to what never fails me, the evidence of the prisoner against himself.

In a letter to the council, which is on record, he confesses that from the 22d of August to the 22d of September, he was confined in a situation of the utmost hazard; that his safety during this period was exceedingly precarious, and that the affairs of the English were generally thought to be unfavourable in the extreme. In his defence, however, Mr. Has-

things has forgotten entirely these admissions. It certainly appears that the Princesses demonstrated the firmness of their attachment to the British Government not in the season of prosperity, or triumph; but in the season of adversity, not from the impulse of fear, nor from the prospect of British protection, but that they, with a magnanimity unexampled, came forward at a moment when a hoard of collected vengeance was about to bury our heads; when the measure of European oppression in India was completely filled by the oppressions which had just been exercised on the unfortunate Rangoon Sing, and when offended Heaven seemed to interfere to change the meek disposition of the natives; to awaken their resentment; and to prompt their revenge.

On the *second* allegation, my lords, namely, *that the Begums encouraged and aided the Jaghires*, I do not think it necessary to say much. It is evident from the letters of Mr. Middleton that no aid was required to awaken resentments which were indeed unavoidably have arisen from the nature of the affair in which so many powerful interests were involved.

The Jaghires depending were of an immense amount, and as their owners by the resumption of them would be at once reduced to poverty and distress, they wanted surely no new instigation to resist.

It is ridiculous to attempt to impute to the Begums without a shadow of proof, the inspiring of sentiments which must inevitably have been excited in the minds of every Jaghiredar by the contemplation of the wrongs and injustice which were intended to be done. Reluctant to waste the time of the court, I will dismiss the discussion of this charge by appealing to your lordships individually to determine, whether a proposal being made to confiscate your estates, and the cases are precisely analogous, the incitements of any two ladies of this kingdom be at all required to kindle your resentments, or to rouse you to opposition?

The commotions, my lords, which prevailed in Oude have also been attributed to the Begums, and constitute the *third* and remaining allegation against them. But these disorders I confidently aver, were, on the contrary, the work of the English, which I will show by the most incontestible evidence.

They were produced by their *rapacity* and *violence*, and not by the "*perfidious artifices*" of these old women. To drain the province of its money, every species of cruelty, of extortion, of rapine, of stealth, was employed by the emissaries of Mr. Hastings. The Nabob perceiving the growing discontents among the people, and alarmed at the consequences, endeavoured by the strongest representations, to rid his devoted country of the oppressions of its invaders, and particularly from the vulture grasp of Colonel Hannev; swearing by Mahomet, that if "this tyrant were not removed he would quit the province," as a residence in it was no longer to be endured. Thus this mild people suffered for a while in barren anguish, and ineffectual bewailings. At length, however, in their meek bosoms, where injury never before begot resentment, nor despair aroused to courage, increased oppression had its effect. They determined on resistance. They collected round their implacable foe, and had nearly sacrificed him. So deeply were they impressed with the sense of their wrongs, that they would not even accept of life from their oppressors. They threw themselves on the swords of the soldiery, and sought death as the only termination of their sorrows and persecutions. Of a people thus injured, and thus feeling, it is an audacious fallacy to attribute their conduct to any external impulse. My lords, the true cause of it is to be traced to the first born principles of man. It grows with his growth; it strengthens with his strength. It teaches him to understand; it enables him to feel. For where there is human fate, can there be a penury of human feeling? Where there is injury, will there not be resentment? Is not despair to be followed by courage. The God of battles pervades and penetrates the inmost spirit of

man, and rousing him to shake off the burden that is grievous, and the yoke that is galling, from the law written in his heart, and the duties and privileges of his nature.

If, my lords, a stranger had at this time entered the province of Oude, ignorant of what had happened since the death of Sujah Dowlah, that person who with a savage heart had still great lines of honour, and who with all his ferocity in war, had with a cultivating hand preserved to his country the soil which it derived from benignant skies, and a fertile soil; if observing the wide and general devastation, fields unclothed and brown; of vegetation blasted and extinguished; of villages depopulated and deserted; of temples unroofed and perishing; of strongholds broken down and dry, this stranger should ask, what has thus laid waste this beautiful and opulent country? what monstrous madness has ravaged with war; what desolating foreign foe; what civil dissension; what disputed succession; what religious zeal? The fabled monster has stalked abroad, and with his mortal enmity to man, withered by the premature death every growth of nature and humanity, all joy of delight, and each original, simple principle of existence? The answer would have been, No—None of these causes! No wars have ravaged these lands and depopulated these villages! No desolating foreign foe! no domestick broils! no disputed succession! no religious superserviceable zeal! no political monster! no affliction of Providence, which, when it scourged us, cut off the sources of resurrection! No—This damp of death is the mere effusion of British amity! We sink under the pressure of their support! We writhe under their perfidious grip! They have embraced us with their protecting arms, and lo! these are the fruits of their alliance!

What then, my lords, shall we bear to be told that under such circumstances, the exasperated feelings of a whole people, thus spurred on to clamour and resistance were excited by the poor and feeble influence of the Begums? After hearing the description

given by an eye witness * of the paroxism of fever and delirium into which despair threw the natives when on the banks of the polluted Ganges, panting for death, they tore more widely open the lips of their gaping wounds, to accelerate their dissolution; and while their blood was issuing, presented their ghastly eyes to Heaven, breathing their last and fervent prayer that the dry earth might not be suffered to drink their blood, but that it might rise up to the throne of God, and rouse the eternal Providence to avenge the wrongs of their country, will it be said that all this was brought about by the incantations of these Begums in their secluded Zenana? or that they could inspire this enthusiasm and this despair into the breasts of a people who felt no grievance, and had suffered no torture? What motive then could have such influence in their bosoms? What motive! That which nature, the common parent, plants in the bosom of man, and which, though it may be less active in the Indian than in the Englishman, is still congenial with, and makes a part of his being. That feeling which tells him, that man was never made to be the property of man; but that, when in the pride and insolence of power, one human creature dares to tyrannize over another, it is a power usurped, and resistance is a duty. That principle which tells him that resistance to power usurped is not merely a duty which he owes to himself and to his neighbour, but a duty which he owes to his God in asserting and maintaining the rank which he gave him in his creation. That principle, which neither the rudeness of ignorance can stifle, nor the enervation of refinement extinguish! That principle which makes it base for a man to suffer when he ought to act; which, tending to preserve to the species the original designations of Providence, spurns at the arrogant distinctions of man, and indicates the independent quality of his race.

* Major Nailor, the successour to Colonel Hanney as commander of the British troops in Oude.

I trust, now, that your lordships can feel no hesitation in acquitting the unfortunate Prince of the allegation. But though the innocence of the Prince may be confessed, it does not necessarily follow. I am ready to allow, that the prisoner must be guilty. There is a possibility that he might have been misled by others, and incautiously led into a false conclusion. If this be proved, my lords, I will cheerfully abandon the present charge. But if, on the other hand it shall appear, as I am confident it will, that his subsequent conduct there was a mysterious concealment denoting conscious guilt; if all his narrative of the business be found marked with inconsistency and contradiction, there can be, I think, a doubt no longer entertained of his criminality.

It will be easy, my lords, to prove that such concealment was actually practised. From the month of September, in which the seizure of the treasures took place, till the succeeding January, no information whatever was given of it by Mr. Hastings to the council at Calcutta. But, my lords, look at the mode in which this concealment is attempted to be evaded. The first pretext is the want of leisure. Contemptible falsehood! He could amuse his lordship at this juncture with the composition of *Fanny Tales*, but to give an account of a rebellion which convulsed an empire, or of his acquiring so large an amount of treasure, he had no time.

The second pretext is, that all communications between Calcutta and Fyzabad was cut off. This is no less untrue. By comparing dates it will be seen that letters, now in our possession, passed at the period between Mr. Middleton and the prisoner. Even Sir Elijah Impey has unguardedly declared that the road leading from the one city to the other was as clear from interruption as that between London and any of the neighbouring villages. So satisfied am I, indeed, on this point, that I am willing to lay aside every other topick of criminality against the prisoner, and to rest this prosecution alone on the question of the validity of the reasons assigned for the con-

cealment we have alleged. Let those, my lords, who still retain any doubts on the subject turn to the prisoner's narrative of his journey to Benares. They will there detect amidst a motly mixture of cant and mystery, of rhapsody and enigma, the most studious concealment.

It may, perhaps, be asked, "Why did Mr. Hastings use all these efforts to veil this business? Though it is not strictly incumbent on me to give an answer to the question, yet I will say that he had obviously a reason for it. Looking to the natural effect of deep injuries on the human mind, he thought that oppression must beget resistance. The attempt which the Begums might be driven to make in their own defence, though really the *effect*, he was determined to represent as the *cause* of his proceedings. He was here only repeating the experiment which he so successfully performed in the case of Cheyt Sing. Even, when disappointed in those views by the natural meekness and submission of the Princesses, he could not relinquish the scheme; and hence in his letter to the court of Directors, January 5th, 1782, he represents the *subsequent* disturbances in Oude as the cause of the violent measures he had adopted *two months* previous to the existence of these disturbances! He there congratulates his masters on the seizure of the treasures which he declares, by the law of Mahomet were the property of Asoph ul Dowlah.

My lords, the prisoner more than once assured the house of commons that the inhabitants of Asia believed him to be a preternatural being gifted with good fortune, or the peculiar favourite of Heaven, and that Providence never failed to take up and carry, by wise, but hidden means, every project of his to its destined end.

Thus, in this blasphemous and vulgar puritanical jargon, did Mr. Hastings libel the course of Providence. Thus according to him, when his corruptions and briberies were on the eve of exposure, Providence inspired the heart of Nunducomar to commit a low,

base crime, in order to save him from ruin. Thus also, in his attempts on Cheyt Sing, and his plunder of the Beguins, Providence stepped forth; and inspired the one with resistance and the other with rebellion, to forward his purposes. Thus, my lords, did he arrogantly represent himself as a man, not only the favourite of Providence, but as one for whose sake Providence departed from the eternal course of its own wise dispensations, to assist his administration, by the elaboration of all that is deleterious and ill; *heaven-born forgeries—inspired treasons—Providential rebellions!* arrainging that Providence

“Whose works are goodness, and whose ways are right.”

It does undoubtedly, my lords, bear a strange appearance, that a man of reputed ability, like the prisoner, even when acting wrongly should have recourse to so many bungling artifices, and spread so thin a veil over his deceptions. But those who are really surprised at this circumstance must have attended very little to the demeanour of Mr. Hastings. Through the whole of his defence upon this charge, sensible that *truth* would undo him, he rests his hopes on *falsehood*. Observing this rule he has drawn together a set of falsehoods without consistency, and without connexion; not knowing, or not remembering, that there is nothing which requires so much care in the fabrication as a system of lies. The series must be regular and unbroken; but his falsehoods are eternally at variance, and demolish one another. Indeed, in all his conduct, he seems to be actuated but by one principle, to do things contrary to the established form. This architect militates against the first principles of the art. He begins with the frieze and the capital, and lays the base of the column at the top. Thus turning his edifice upside down, he plumes himself upon the novelty of his idea till it comes tumbling about his ears. Rising from these ruins, he is soon found rearing a similar structure. He delights in difficulties, and disdains a *plain and secure foundation*. He loves on the contrary, to build on a *precipice*, and to encamp on a

mine. Inured to falls, he fears not danger. Frequent defeats have given him a hardihood, without impressing a sense of disgrace.

It was once, my lords, a maxim as much admitted in the practice of common life, as in the schools of philosophy, that where Heaven is inclined to destroy it begins with phrenzying the intellect. "*Quem Deus vult perdere prius dementat.*" This doctrine the right honourable manager* who opened generally to your lordships the articles of impeachment still further extended. He declared that the co-existence of *vice* and *prudence*, was incompatible. That the vitious man being deprived of his best energies, and curtailed in his proportion of understanding, was left with such a short sighted penetration as could lay no claim to *prudence*. This is the sentiment of my noble and exalted friend whose name I can never mention but with respect and admiration due to his virtue and talents; whose proud disdain of vice can only be equalled by the ability with which he exposes and controls it; to whom I look up with homage! whose genius is commensurate to philanthropy; whose memory will stretch itself beyond the fleeting objects of any little partial shuffling—through the whole wide range of human knowledge and honourable aspiration after good—as large as the system which forms life—as lasting as those objects which adorn it. But in this sentiment, so honourable to my friend, I cannot implicitly agree. If the true definition of prudence be the successful management and conduct of a purpose to its end, I can at once bring instances into view where this species of prudence belonged to minds distinguished by the atrocity of their actions. When I survey the history of a Philip of Macedon, of a Cesar, of a Cromwell, I perceive great guilt successfully conducted, if not by legitimate discretion, at least, by a consummate *craft*, or by an all commanding sagacity productive of precisely the same effects. These, however, I confess were isolated characters, who left the vice that dared to follow either in the

* Mr. Burke.

state of dependent vassalage, or involved it in destruction. Such is the perpetual law of nature, that virtue, whether placed in a circle more contracted or enlarged, moves with sweet concert. There is no dissonance to jar ; no asperity to divide ; and that harmony which makes its felicity, at the same time constitutes its protection. Of vice, on the contrary, the parts are disunited, and each in barbarous language clamours for its preeminence. It is a scene where, though one domineering passion may have sway, the others still press forward with their dissonant claim, and in the *moral world*, effects waiting on their cause, the discord which results, of course, ensures the defeat.

In this way, my lords, I believe the failure of Mr. Hastings is to be explained, and such I trust will be the fate of all who shall emulate his character or his conduct.

The doctrine of my friend, from what I have said, can therefore hold only in those minds which cannot be satisfied with the indulgence of a single crime, where, instead of one base master passion having the complete sway, to which all the faculties are subject, and on which alone the mind is bent, there is a combustion and rivalry among a number of passions yet baser, when pride, vanity, avarice, lust of power, cruelty, all at once actuate the human soul and distract its functions ; all of them at once filling their several spaces, some in their larger, some in their more contracted orbits ; all of them struggling for preeminence, and each counteracting the other. In such a mind, undoubtedly, great crimes can never be accompanied by prudence. There is a fortunate disability, occasioned by the contention, that rescues the human species from the villany of the intention. Such is the original denunciation of nature. Not so with the nobler passions. In the breast where they reside, the harmony is never interrupted by the number. A perfect and substantial agreement gives an accession of vigour to each, and spreading their influence in every direction, like the divine intelligence and benignity from which they flow, they ascertain it

to the individual by which they are possessed, and communicate it to the society of which he is a member.

My lords, I shall now revert again to the claims made on the princesses of Oude. The council for the prisoner have laboured to impress on the court the idea that the Nabob was a prince sovereignly independent, and in no degree subject to the control of Mr. Hastings. But, after the numberless proofs we have adduced of his being, on the contrary, a mere cypher in the hands of the governour general, your lordships will require of them, to create such a conviction on your minds, much more conclusive evidence than any which they have hitherto presented. I believe, both as regards the resumption of the Jaghires, and especially the seizure of the treasures, they will find it very difficult to show the independence of the prince.

It has, my lords, been strenuously contended on our parts, that the measure of seizing the treasures *originated with the prisoner*, and in maintenance of the position we have brought forward a chain of testimony clear, and we think, satisfactory. But the counsel for the prisoner, on the other hand, assert with equal earnestness, that the proposition for seizing the treasures, *came originally from the Nabob*. It is therefore incumbent on them to support their assertion by proof, as we have done. Certainly the best evidence of the fact, would be the exhibition of the letter of the Nabob to Mr. Hastings, in which they allege the proposition was made. Why then is not this document, which must at once settle all disputation on the subject, produced? The truth is, there is no such letter. I peremptorily deny it, and challenge the prisoner and his counsel to produce a letter or paper containing any proposition of the kind, coming immediately from the prince.

My lords, the seizure of the treasures and the Jaghires was the effect of a dark *conspiracy*, in which *six* persons were concerned. Three of the conspirators were of a higher order. These were Mr. Hastings, who may be considered as the principal and

leader in this black affair, Mr. Middleton; the English resident at Lucknow, and Sir Elijah Impey. The three inferior or subordinate conspirators were, Hyder Beg Khan, the nominal minister of the Nabob, but in reality the creature of Mr. Hastings, Colonel Hanney, and Ali Ibrahim Khan.

Sir Elijah Impey was intrusted by Mr. Hastings to carry his orders to Mr. Middleton, and to concert with him the means of carrying them into execution. The Chief Justice, my lords, being a principal actor in the whole of this iniquitous business, it will be necessary to take notice of some parts of the evidence which he has delivered upon oath, at your lordships' bar.

When asked, what became of the Persian affidavits, sworn before him, after he had delivered them to Mr. Hastings? he replied, that *he really did not know*. He was also asked, if he had them translated; or knew of their having been translated, or had any conversation with Mr. Hastings on the subject of the affidavits? He replied, "That he knew nothing at all of their having been translated, and that he had no conversation whatever with Mr. Hastings on the subject of the affidavits, after he had delivered them to him." He was next asked, whether he did not think it a little singular, that he should not have held any conversation with the governor general, on a subject of so much moment as that of the affidavits which he had taken? His answer was, "That he did not think it singular, because he left Chunar the very day after he delivered the affidavits to Mr. Hastings. By this answer the witness certainly meant that it should be understood, that when he quitted Chunar he left the governor general behind him. But it appears from letters written by the witness himself, and which we have already laid before the court, that he arrived at Chunar the 1st of December, 1781; that he then began to take the affidavits, and when completed, he and Mr. Hastings left Chunar in company, and set out on the road to Benares; and that after being together from the first to the sixth of the month, the former took leave of the latter, and pro-

ceeded on his journey to Calcutta. Here then, my lords, we detect a subterfuge artfully contrived to draw you into a false conclusion! There is also another part of the witness's evidence which is entitled to as little credit. He has sworn, that *he knew nothing of the Persian affidavits having been translated*. Now, my lords, we formerly produced a letter from major William Davy, the confidential secretary and Persian translator to the governour general, in which he states, that he made an affidavit before Sir Elijah Impey at Buxar, on the 12th of December, just six days after Sir Elijah parted from Mr. Hastings, swearing that the papers annexed to the affidavits were *faithful translations of the Persian affidavits!* What shall we say, my lords, of such testimony? I will make only one remark upon it which I shall borrow from an illustrious man, "That no one could tell where to look for truth, if it could not be found on the *judgment seat*, or know what to credit, if the affirmation of a *judge* was not to be trusted." I have, my lords, before observed, that the chief justice was intrusted by the prisoner to concert with Mr. Middleton the means of carrying into execution the orders of which he was the bearer from the governour general to the resident. These orders do not appear any where in writing, but your lordships are acquainted with their purport. The court must recollect that Mr. Middleton was instructed by them to persuade the Nabob to propose, as from himself to Mr. Hastings, the seizure of the Begum's treasures. That this was really so, appears undeniably as well from the tenour of Mr. Middleton's letter on the subject, as from the prisoner's account of the business in his defence. Evidently, Mr. Hastings was on this occasion hobbled by difficulties which put all his ingenuity into requisition. He was aware that it must seem extraordinary, that at the very moment he was confiscating the property of the Begums on the plea of their treasonable machinations, he should stipulate that an annual allowance equal almost to the produce

of that property should be secured to them. Though he had accused the princesses of rebellion, by which, of course, their treasures were forfeited to the state, yet he was reluctant to appear as the principal in seizing them.

Do not, my lords, these embarrassments prove that the prisoner was sensible of the injustice of his proceedings? If the princesses were in rebellion, there could be no ground for his demurring to seize their property. The consciousness of their innocence could alone, therefore, make him timid and irresolute. To get rid at once of his difficulties he resorts to the expedient which I have before stated, namely, of giving directions to Sir Elijah Impey to instruct Mr. Middleton to urge the Nabob to propose, as from himself the seizure of the treasures. My lords, the unhappy prince, without a will of his own, consented to make the proposal, as an alternative for the resumption of the Jaghires, a measure to which he had the most unconquerable reluctance. Mr. Hastings, as it were to indulge the Nabob, agreed to the proposal, rejoicing at the same time that his scheme had proved so far successful. For he thought this proposal, coming from the Nabob, would free him from the odium of so unpopular a plundering. But the artifice was too shallow, and your lordships are now able to trace the measure to its source. The court will see from the evidence, that Mr. Hastings suggested it to Sir Elijah Impey, that Sir Elijah Impey might suggest it to Middleton, that Middleton might suggest it to the Nabob, that his highness might suggest it to Mr. Hastings; and thus the suggestion returned to the place from which it had originally set out.

One single passage of a letter written by Middleton to Mr. Hastings, on the 2d of December 1781, will make this point as clear as day. He informs the governor general, "That the Nabob, wishing to evade the measure of resuming the jaghires, had sent him a message to the following par-

port:—That if the measure proposed was intended to procure the payment of the balance due to the company, he could better and more expeditiously effect that object, by taking from his mother the treasures of his father, which he asserted to be in her hands, and to which he claimed a right, founded on the laws of the Koran, and that it would be sufficient that he, Mr. Hastings would hint his opinion upon it, *without giving a formal sanction* to the measure proposed. Mr. Middleton added, “The resumption of the jaghires it is necessary to suspend, till I have your answer to this letter.”

In the first place, it is clear from this letter, that though the Nabob consented to make the desired proposal for seizing the treasures, it was only as an alternative, for it never entered into his head both to seize the treasures, and resume the jaghires. The former measure he wished to substitute in the room of the latter, and by no means to couple them together. But Mr. Hastings was too nice a reasoner for the prince. He insisted that one measure should be carried into execution, because the Nabob had proposed it; and the other, because he himself determined upon it.

It also appears that the Nabob was taught to plead his right to the treasures, *as founded upon the laws of the Koran*. Not a word was said about the guarantee and treaty which had barred that right, whatever it might have been. But, my lords, if all Mr. Hastings would have the world believe is true, he had still a much better title: one, against which the treaty and guarantee could not be raised, and this was the treason of the Begums, by which they forfeited all their property to the state, and every claim upon English protection. On this right by forfeiture, the Nabob, however, was silent. Being a stranger to the rebellion, and to the treason of his parents; he was reduced to the necessity of reviving a right under the laws of the Koran, which the treaty and guarantee had forever extinguished.

This letter, moreover, contains this remarkable expression, namely, "that it would be sufficient to hint his, Mr. Hastings's, *opinion upon it, without giving a formal sanction to the measure proposed.*" Why this caution? If the Begums were guilty of treason, why should he be fearful of declaring to the world, that it was not the practice of the English to protect rebellious subjects, and prevent their injured sovereigns from proceeding against them according to law? That he considered the treaty and guarantee, by which the Begums held their property, as no longer binding upon the English government, who consequently could have no further right to interfere between the Nabob and his rebellious parents, but must leave him at liberty to punish or forgive them as he should think fit. But, my lords, instead of holding this language, which manliness and conscious integrity would have dictated, had he been convinced of the guilt of the Begums, Mr. Hastings wished to derive all possible advantage from *active* measures against them, and at the same time, so far to save appearances, as that he might be thought to be *passive* in the affair.

My lords, in another part of the same letter, Mr. Middleton informs the governor general "that he sent him at the same time a letter from the Nabob on the subject of seizing the treasures." This letter has been suppressed. I challenge the counsel for the prisoner to produce it, or to account satisfactorily to your lordships for its not having been entered upon the company's records. Nor is this, my lords, the only suppression of which we have reason to complain. The affidavit of Goullass Roy, who lived at Fyzabad, the residence of the Begums, and who was known to be their enemy, is also suppressed. No person could be so well informed of their guilt, if they had been guilty, as Goullass Roy, who resided upon the spot where levies were said to have been made for Cheyt Sing, by their order. If, therefore, his testimony had not destroyed the charge of a rebellion on the part of the Begums, there is no doubt but it

would have been carefully preserved. The information of Mr. Scott has, moreover, been withheld from us. This gentleman lived unmolested at Taunda, where Sumshire Khan commanded for the Begums, and where he carried on an extensive manufacture, without the least hindrance from this supposed disaffected governour. Mr. Scott was at Taunda too, when it was said that the governour pointed the guns of the fort upon captain Gordan's party. If this circumstance, my lords, did really happen, Mr. Scott must have heard of it, as he was himself at the time under the protection of those very guns. Why then, is not the examination of this gentleman produced? I believe your lordships are satisfied, that if it had supported the allegations against Sumshire Khan, it would not have been cancelled.

It is not clear to me, my lords, that as servile a tool as Mr. Middleton was, that the prisoner intrusted him with every part of his intentions throughout the business of the Begums. He certainly mistrusted, or pretended to mistrust him in his proceedings relative to the resumption of the jaghires. When it began to be rumoured abroad, that terms so favourable to the Nabob as he obtained in the treaty of Chunar, by which Mr. Hastings consented to withdraw the temporary brigade, and to remove the English gentlemen from Oude, would never have been granted, if the Nabob had not bribed the parties concerned in the negotiation to betray the interests of the company, Mr. Hastings confirmed the report by actually charging Mr. Middleton and his assistant resident, Mr. Johnson, with having accepted of bribes. They both joined in the most solemn assurances of their innocence, and called God to witness the truth of their declarations. Mr. Hastings, after this, appeared satisfied: possibly the consciousness that he had in his own pocket the only bribe which was given on the occasion, the 100,000*l.* might have made him the less earnest in prosecuting any further inquiry into the business.

A passage in a letter from Mr. Hastings, shows that he did not think proper to commit to writing all the orders which he wished Mr. Middleton to execute. For there Mr. Hastings expresses his doubts of the resident's "firmness and activity, and, above all, of his *recollection* of his *instructions* and their importance; and said, that if he, Mr. Middleton, could not rely on his own power, and the means he possessed for performing those services, he would *free him from the charge*, and proceed to Lucknow, and undertake it himself."

My lords, you must presume that the instructions here alluded to were *verbal*; for had they been *written*, there could be no danger of their being forgot. I call upon the counsel to state the nature of those instructions, which were deemed of such importance, that the governour was so greatly afraid Mr. Middleton would not recollect them, and which, nevertheless, he did not dare to commit to writing.

To make your lordships understand some other expressions in the above passage, I must recall to your memory, that it has appeared in evidence, that Mr. Middleton had a strong objection to the resumption of the Jaghires, which he thought a service of so much danger, that he removed Mrs. Middleton and his family, when he was about to enter upon it. For he expected resistance not only from the Begums, but from the Nabob's own Aumeels; who, knowing that the Prince was a reluctant instrument in the hands of the English, thought they would please him by opposing a measure to which he had given his authority *against his will*. Middleton undoubtedly expected the whole country would unanimously rise against him; and therefore it was, my lords, that he suspended the execution of the order of resumption, until he should find whether the seizing of the treasures, proposed *as an alternative*, would be accepted *as such*. The prisoner pressed him to execute the order for resuming the Jaghires, and offered to go himself upon that service, if he should decline it. Middleton, at last, having received a thundering letter

from Mr. Hastings, by which he left him to act under, "*a dreadful responsibility*," set out for Fyzabad. My lords, for all the cruelties and barbarities that were executed there, the governor general in his narrative says, he does not hold himself answerable, because he commanded Middleton to be personally present, during the whole of the transaction, until he should complete the seizing of the treasures, and resuming the Jaghires. But for what purpose did he order Middleton to be present? I will show by quoting the orders verbatim.—"You *yourself* must be *personally present*—you must not allow any negotiation or forbearance; but must prosecute both services, until the Begums are at the entire mercy of the Nabob."—These peremptory orders given under "*a dreadful responsibility*," were not issued, my lords, as you see, for purposes of *humanity*; not that the presence of the resident might restrain the violence of the soldier, but that he might be a watch upon the Nabob, to steel his heart against the feelings of returning nature in his breast, and prevent the possibility of his relenting, or granting any terms to his mother and grand mother. This, truly, was the abominable motive which induced the prisoner to command the personal attendance of Middleton, and yet, my lords, he dares to say that he is not responsible for the horrid scene which ensued.*

My lords, permit me to remind you, that when I had last the honour of addressing you, I concluded with submitting to the court the whole of the corres-

* Here Mr. Sheridan was taken ill, and retired for a while to try if in the fresh air he could recover, so as that he might conclude all he had to say upon the evidence on the second charge. Some time after, Mr. Fox informed their lordships, that Mr. Sheridan was much better, but that he felt he was not sufficiently so, to be able to do justice to the subject he had in hand. The managers therefore hoped their lordships would be pleased to appoint a future day, on which Mr. Sheridan would finish his observations on the evidence.

Upon this their lordships returned to their own house, and adjourned the court.

pondence, as far as it could be obtained, between the principal and agents in the nefarious plot carried on against the Nabob Vizier and the Begums of Oude. These letters demand of the court the most grave and deliberate attention, as containing not only a narrative of that foul and unmanly conspiracy, but also a detail of the motives and ends for which it was formed, and an exposition of the trick and quibble, the prevarication and the untruth with which it was then acted, and is now attempted to be defended. It will here be naturally inquired, with some degree of surprise, how the private correspondence which thus establishes the guilt of its authors came to light? This was owing to a mutual resentment which broke out about the middle of December, 1782, between the parties. Mr. Middleton on the one hand became jealous of the abatement of Mr. Hastings's confidence, and the Governour General was incensed at the tardiness with which the Resident proceeded.

From this moment shyness and suspicion between the principal and the agent took place. Middleton hesitated about the expediency of resuming the Jaghires, and began to doubt whether the advantage would be equal to the risk. Mr. Hastings, whether he apprehended that Middleton was retarded by any return of humanity or sentiments of justice, by any secret combination with the Begum and her son, or a wish to take the *lion's share* of the plunder to himself, was exasperated at the delay. Middleton represented the unwillingness of the Nabob to execute the measure; the low state of his finances; that his troops were mutinous for want of pay; that his life had been in danger from an insurrection among them; and that in this moment of distress he had offered one hundred thousand pounds, in addition to a like sum paid before, as an equivalent for the resumption which was demanded of him. Of this offer, however, it now appears the Nabob knew nothing. In conferring an obligation, my lords, it is sometimes contrived from motives of delicacy that the name of the donor shall be concealed from the person obliged.

But here it was reserved for Middleton to refine this sentiment of delicacy so as to leave the person giving, utterly ignorant of the favour he bestowed.

But notwithstanding these little differences and suspicions, Mr. Hastings and Mr. Middleton on the return of the latter to Calcutta in October 1782, lived in the same style of *friendly collusion*, and *fraudulent familiarity* as formerly. After, however, an intimacy of about six months, the governour general very unexpectedly arraigns his friend before the board at Calcutta. It was, on this occasion, that the prisoner rashly for himself, but happily for the purposes of justice, produced these letters. Whatever, my lords, was the meaning of this proceeding; whether it was a juggle to elude inquiry, or whether it was intended to make an impression at Fyzabad; whether Mr. Hastings drew up the charge, and instructed Mr. Middleton how to prepare the defence; or whether the accused composed the charge, and the accuser the defence, there is discernible in the transaction the same habitual collusion in which the parties lived, and the prosecution ended as we have seen, in a rhapsody, a repartee, and a poetical quotation by the prosecutor!

The *private letters*, my lords, are the only part of the correspondence thus providentially disclosed which is deserving of attention. They were written in the confidence of private communication without any motives to palliate and colour facts, or to mislead. The counsel for the prisoner have, however, chosen to rely on the *publick* correspondence, prepared as appears on the very face of it, for the concealment of fraud and the purpose of deception. They, for example, dwelt on a letter from Mr. Middleton dated December 1781, which intimates some supposed contumacy of the Begums, and this they thought countenanced the proceedings which afterwards took place, and particularly the resumption of the Jaghires. But, my lords, you cannot have forgotten that both Sir Elijah Impey, and Mr. Middleton, declared in their examination at your bar, that the letter was totally false. Another letter, which

mentions "the determination of the Nabob to resume the Jaghires," was also dwelt upon with great emphasis. But it is in evidence that the Nabob on the contrary, could not by any means be induced to sanction the measure; that it was not, indeed, till Mr. Middleton had actually issued his own *Perwamas* for the collection of the rents, that the Prince, to avoid a state of the lowest degradation, consented to give it the appearance of his act.

In the same letter, the resistance of the Begums to the seizure of their treasures is noticed as an instance of *female levity*, as if their defence of the property assigned for their subsistence was a matter of censure, or that they merited a reproof for *feminine lightness*, because they urged an objection to being *starved*!

The opposition, in short, my lords, which was *expected* from the princesses, was looked to as a justification of the proceedings which afterwards happened. There is not, in the *private* letters, the slightest intimation of the *anterior rebellion*, which by prudent *after thought* was so greatly magnified. There is not a syllable of those dangerous machinations which were to dethrone the Nabob; nor of those sanguinary artifices by which the English were to be extirpated. It is indeed said, that if such measures were rigorously pursued, as had been set on foot, the people might be driven from murmurs to resistance, and rise up in arms against their oppressors.

Where then, my lords, is the proof of this mighty rebellion? It is contained alone, where it is natural to expect it, in the *fabricated* correspondence between Middleton and Hastings, and in the affidavits collected by Sir Elijah Impey!

The gravity of the business on which the chief justice was employed on this occasion, contrasted with the vivacity, the rapidity, and celerity of his movements is exceedingly curious. At one moment he appeared in Oude, at another in Chunar, at a third in Benares procuring testimony, and in every quarter exclaiming like Hamlet's Ghost "SWEAR!" To

him might also have been applied the words of Hamlet to the Ghost, "What, Truepenny! are you there?" But the similitude goes no further. He was never heard to give the injunction,

"Taint not thy mind, nor let thy soul contrive
Against thy *mother* aught!"

It is, my lords, in some degree worthy of your observation, that not one of the private letters of Mr. Hastings has at any time been disclosed. Even Middleton, when all confidence was broken between them, by the production of his private correspondence at Calcutta, either feeling for his own safety, or sunk under the fascinating influence of his master, did not dare attempt a retaliation! The letters of Middleton, however, are sufficient to prove the situation of the Nabob, when pressed to the resumption of the Jaghires.—He is there described as being sometimes lost in sullen melancholy—at others, agitated beyond expression, exhibiting every mark of agonized sensibility. Even Middleton was moved by his distresses to interfere for a temporary respite, in which he might become more reconciled to the measure. "I am fully of opinion," said he, "that the despair of the Nabob must impel him to violence. I know also that the violence must be fatal to himself—but yet I think, that with his present feelings, he will disregard all consequences."

Mr. Johnson, the assistant resident, also wrote to the same purpose. The words of his letter are memorable. "He thought it would require a *campaign* to execute the orders for the resumption of the Jaghires!" A campaign against whom? Against the Nabob our friend and ally who had voluntarily given the order! This measure, then, which we have heard contended was for his good and the good of his country, could truly be only enforced by a campaign! Such is British justice! Such is British humanity! Mr. Hastings guarantees to the allies of the company their prosperity and his protection. The former he secures by sending an army to plunder them of their wealth

and to desolate their soil. The latter produces the misery and the ruin of the protected. His is the protection which the vulture gives to the lamb, which covers while it devours its prey; which, stretching its baleful pinions and hovering in mid air; disperses the kites and lesser birds of prey, and saves the innocent and helpless victim from all talons but its own.

It is curious, my lords, to remark, that in the correspondence of these creatures of Mr. Hastings, and in their earnest endeavours to dissuade him from the resumption of the jaghires, not a word is mentioned of the measure being contrary to honour, to faith; derogatory to national character; unmanly or unprincipled. Knowing the man to whom they were writing, their only arguments were, that it was contrary to policy and to expediency. Not one word do they mention of the just claims which the Nabob had to the gratitude and friendship of the English. Not one syllable of the treaty by which we were bound to protect him. Not one syllable of the relation which subsisted between him and the Princesses they were about to plunder. Not one syllable is hinted of justice or mercy. All which they addressed to him was the apprehension that the money to be procured would not be worth the danger and labour with which it must be attended. There is nothing, my lords, to be found in the history of human turpitude; nothing in the nervous delineations and penetrating brevity of Tacitus; nothing in the luminous and luxuriant pages of Gibbon, or of any other historian, dead or living, who, searching into measures and characters with the rigour of truth, presents to our abhorrence depravity in its blackest shapes, which can equal, in the grossness of the guilt, or in the hardness of heart with which it was conducted, or in low and grovelling motives, the acts and character of the prisoner. It was he, who in the base desire of stripping two helpless women, could stir the son to rise up in vengeance against them; who when that son had certain touches of nature in his breast, certain feelings of an awakened conscience,

could accuse him of entertaining peevish objections to the plunder and sacrifice of his mother ; who, having finally divested him of all thought, all reflection, all memory, all conscience, all tenderness and duty as a son, all dignity as a monarch ; having destroyed his character, and depopulated his country, at length brought him to violate the dearest ties of nature, in countenancing the destruction of his parents. This crime I say, has no parallel or prototype in the old world or the new, from the day of original sin to the present hour. The victims of his oppression were confessedly destitute of all power to resist their oppressors. But their debility, which from other bosoms would have claimed some compassion, at least with respect to the mode of suffering, with him excited only the ingenuity of torture. Even when every feeling of the Nabob was subdued ; when, as we have seen, my lords, nature made a last, lingering, feeble stand within his breast ; even then, that cold unfriendly spirit of malignity, with which his doom was fixed, returned with double rigour and sharper acrimony to its purpose, and compelled the child to inflict on the parent that destruction of which he was himself reserved to be the final victim.

Great as is this climax in which, my lords, I thought the pinnacle of guilt was attained, there is yet something still more transcendently flagitious. I particularly allude to his infamous letter, falsely dated the 15th of February 1782, in which, at the very moment that he had given the order for the entire destruction of the Begums, and for the resumption of the jaghires, he expresses to the Nabob the warm and lively interest which he took in his welfare, the sincerity and ardour of his friendship, and that, though his presence was eminently wanted at Calcutta, he could not refrain from coming to his assistance, and that in the mean time, he had sent four regiments to his aid. So deliberate and cool ; so hypocritical and insinuating is the villainy of this man ! What heart is not exasperated by the malignity of a treachery so barefaced and dispassionate ? At length, however,

the Nabob was on his guard. He could not be deceived by this mask. The offer of the four regiments developed to him the object of Mr. Hastings. He perceived the dagger bunglingly concealed in the hand which was treacherously extended as if to his assistance. From this moment the last faint ray of hope expired in his bosom. We accordingly find no further confidence of the Nabob in the prisoner. Mr. Middleton now swayed his iron sceptre without control. The jaghires were seized. Every measure was carried. The Nabob, mortified, humbled, and degraded, sunk into insignificance and contempt. This letter was sent at the very time when the troops surrounded the walls of Fyzabad; and then began a scene of horrors, which, if I wished to inflame your lordships' feelings, I should only have occasion minutely to describe; to state the violence committed on that palace which the piety of the kingdom had raised for the retreat and seclusion of the objects of its pride and veneration! It was in these shades, rendered sacred by superstition, that innocence reposed. Here venerable age, and helpless infancy found an asylum! If we look, my lords, into the whole of this most wicked transaction, from the time when this treachery was first conceived, to that when, by a series of artifices the most execrable, it was brought to a completion, the prisoner will be seen standing aloof, indeed, but not inactive. He will be discovered reviewing his agents, rebuking at one time the pale conscience of Middleton, at another, relying on the stouter villany of Hyder Beg Cawn. With all the calmness of veteran delinquency, his eye will be seen ranging through the busy prospect, piercing the darkness of subordinate guilt, and disciplining with congenial adroitness the agents of his crimes, and the instruments of his cruelty.

The feelings, my lords, of the several parties at the time will be most properly judged of by their respective correspondance. When the Bow Begum, despairing of redress from the Nabob, addressed herself to Mr. Middleton, and reminded him of the

guarantee which he had signed, she was instantly promised that the amount of her jaghire should be made good, though he said he could not interfere with the sovereign decision of the Nabob respecting the lands. The deluded and unfortunate woman "thanked God that Mr. Middleton was at hand for her relief." At this very instant he was directing every effort to her destruction. For he had actually written the orders which were to take the collection out of the hands of her agents! But let it not be forgotten, my lords, when the Begum was undeceived, when she found that British faith was no protection, when she found that she should leave the country, and prayed to the God of nations not to grant his peace to those who remained behind, there was still no charge of rebellion, no recrimination made to all her reproaches for the broken faith of the English. That when stung to madness, she asked "how long would be their reign," there was no mention of her disaffection. The stress is therefore idle, which the counsel for the prisoner have strove to lay on these expressions of an injured and enraged woman. When at last irritated beyond bearing, she denounced infamy on the heads of her oppressors, who is there that will not say that she spoke in a *prophetick* spirit; and that what she then predicted has not even to its last letter been accomplished? But did Mr. Middleton even to this violence retort any particle of accusation? No. He sent a *jocose* reply, stating that he had received such a letter under her seal, but that from its contents he could not suspect it to come from her, and begged therefore that she would endeavour to detect the *forgery*. Thus did he add to foul injuries the vile aggravation of a *brutal jest*. Like the tyger he showed the savageness of his nature, by grinning at his prey, and fawning over the last agonies of his unfortunate victim.

The letters my lords, were then enclosed to the Nabob, who no more than the rest made any attempt to justify himself by imputing any criminality to the

Begums. He only sighed a hope, that his conduct to his parents had drawn no shame upon his head; and declared his intention to punish, not any disaffection in the Begums, but some officious servants who had dared to foment the misunderstanding between them and himself. A letter was finally sent to Mr. Hastings, about six days before the seizure of the treasures from the Begums, declaring their innocence, and referring the governour general in proof of it to captain Gordon, whose life they had protected, and whose safety should have been their justification. This inquiry was never made. It was looked on as unnecessary, because the conviction of their innocence was too deeply impressed already.

The counsel, my lords, in recommending an attention to the *publick* in preference to the *private* letters, remarked particularly, that one of the latter should not be taken in evidence, because it was evidently and abstractedly private, relating the anxieties of Mr. Middleton on account of the illness of his son. This is a singular argument indeed. The circumstance, however, undoubtedly merits strict observation, though not in the view in which it was placed by the counsel. It goes to show that some at least of the persons concerned in these transactions, felt the force of those ties which their efforts were directed to tear asunder; that those who could ridicule the respective attachment of a mother and a son; who could prohibit the reverence of the son to the mother; who could deny to *maternal debility* the protection which *filial tenderness* should afford, were yet sensible of the straining of *those chords* by which they are connected. There is something in the present business, with all that is horrible to create aversion, so vilely loathsome, as to excite disgust. It is, my lords, surely superfluous to dwell on the sacredness of the ties which those aliens to feeling, those apostates to humanity thus divided. In such an assembly, as the one before which I speak, there is not an eye but must look reproof to this conduct, not a heart but must anticipate its condemnation. *Filial Piety!*

It is the primal bond of society. It is that instinctive principle, which, panting for its proper good, soothes, unbidden, each sense and sensibility of man. It now quivers on every lip. It now beams from every eye. It is that gratitude which, softening under the sense of recollected good, is eager to own the vast countless debt it never, alas! can pay, for so many long years of unceasing solitudes, honourable self denials, life preserving cares. It is that part of our practice, where duty drops its awe, where reverence refines into love. It asks no aid of memory. It needs not the deductions of reason. Preexisting, paramount over all, whether moral law or human rule, few arguments can increase and none can diminish it. It is the sacrament of our nature; not only the duty, but the indulgence of man. It is his first great privilege. It is amongst his last most endearing delights, when the bosom glows with the idea of reverberated love; when to requite on the visitations of nature, and return the blessings that have been received; when, what was emotion fixed into vital principle; what was instinct, habituated into a master passion, sways all the sweetest energies of man, hangs over each vicissitude of all that must pass away, aids the melancholy virtues in their last sad tasks of life; to cheer the languors of decrepitude and age; explore the thought; explain the aching eye!"

But, my lords, I am ashamed to consume so much of your lordships' time in attempting to give a cold picture of this sacred impulse when I behold so many breathing testimonies of its influence around me; when every countenance in this assembly is beaming and erecting itself into the recognition of this universal principle!

The expressions, contained in the letter of Mr. Middleton, of tender solicitude for his son, have been also mentioned as a proof of the amiableness of his affections. I confess that they do not tend to raise his character in my estimation. Is it not rather an aggravation of his guilt that he, who thus felt the anxieties

of a parent, and who consequently must be sensible of the reciprocal feelings of a child, could be brought to tear asunder, and violate in others, all those dear and sacred bonds? Does it not enhance the turpitude of the transaction that it was not the result of idiotick ignorance, or brutal indifference? I aver, that his guilt is increased and magnified by these considerations. His criminality would have been less had he been insensible to tenderness, less if he had not been so thoroughly acquainted with the true quality of parental love and filial duty.

The jaghires being seized, my lords, the Begums were left without the smallest share of that pecuniary compensation promised by Mr. Middleton, as an equivalent for the resumption; and as when tyranny and injustice take the field, they are always attended by their camp followers, *paltry pilfering* and *petty insult*; so in this instance, the goods taken from the princesses were sold at a mock sale at an inferior value. Even gold and jewels, to use the language of the Begums, instantly lost their value when it was known that they came from them. Their ministers were imprisoned to extort the deficiency which this fraud occasioned; and every mean art was employed to justify a continuance of cruelty towards them. Yet this was small to the frauds of Mr. Hastings. After extorting upwards of 600,000*l.* he forbade Mr. Middleton to come to a *conclusive settlement* with the princesses. He knew that the treasons of our allies in India had their origin solely in the wants of the company. He could not therefore say that the Begums were entirely innocent until he had consulted the general Record of Crimes, *the Cash Account at Calcutta!* His prudence was fully justified by the event. For there was actually found a balance of *twenty-six lacks* more against the Begums, which 260,000*l.* worth of treason had never been dreamed of before. "Talk not to us," said the governour general, "of their guilt or innocence, but as it suits the Company's *credit!* We will not try them by the Code of Justinian, nor the Institutes of Timur. We will not

judge them either by the British laws, or their local customs! No! We will try them by the *Multiplication Table*, we will find them guilty by the *Rule of Three*, and we will condemn them according to the unerring rules of—COCKER'S *Arithmetick*!"

My lords, the prisoner has said in his defence, that the cruelties exercised towards the Begums were not of his order. But in another part of it he avows, "that whatever were their distresses, and whoever was the agent in the measure, it was, in his opinion, reconcilable to justice, honour, and sound policy."

By the testimony of Major Scott it appears, that though the defence of the prisoner was not drawn up by himself, yet that this paragraph he wrote with his *own proper hand*. Middleton, it seems, had confessed his share in these transactions with some degree of compunction, and solicitude as to the consequences. The prisoner observing it, cries out to him, "give me the pen, I will defend the measure as just and necessary." I will take something upon myself. Whatever part of the load you cannot bear, my *unburthened character* shall assume. Your conduct I will crown with my irresistible approbation. Do you find *memory* and I will find *character*, and thus *twin warriors* we will go into the field, each in his proper sphere of action, and assault, repulse, and contumely shall all be set at defiance.

If I could not prove, my lords, that those acts of Mr. Middleton were in reality the acts of Mr. Hastings, I should not trouble your lordships by combating them. But as this part of his criminality can be incontestably ascertained, I appeal to the assembled legislators of this realm, to say, whether these acts were justifiable on the score of *policy*. I appeal to all the august presidents in the courts of British justice, and to all the learned ornaments of the profession, to decide whether these acts were reconcilable to *justice*. I appeal to the reverend assemblage of prelates feeling for the general interests of humanity, and for the honour of the religion to which they

belong, to determine whether these acts of Mr. Hastings and Mr. Middleton were such as a Christian ought to perform, or a man to avow.

My lords, with the ministers of the Nabob, Bahar Ally Cawn and Jewar Ally Cawn, was confined in the same prison that arch rebel Sumshire Cawn, against whom so much criminality has been charged by the counsel for the prisoner. We hear, however, of no inquiry having been made concerning his *treason*, though so many were held respecting the *treasures* of the others. With all his guilt, he was not so far noticed as to be deprived of his *food*,* to be complimented with *fetters*, or even to have the satisfaction of being *scourged*; but was *cruelly* liberated from a dungeon, and *ignominiously* let loose on his parole! The Begums' ministers, on the contrary, to extort from them the disclosure of the place which concealed the treasures, were, according to the evidence of Mr. Holt, after being *fettered* and *imprisoned*, led out on a scaffold, and this array of terrors proving unavailing, the *meek* tempered Middleton, as a dernier resort, menaced them with a confinement in the fortress of Chunargar. Thus, my lords, was a British garrison made the *climax of cruelties*! To English arms, to English officers around whose banners *humanity* has ever entwined her most glorious wreath, how will this sound? It was in this fort, where the British flag was flying that these helpless prisoners were doomed to deeper dungeons, heavier chains, and severer punishments. Where that flag was displayed, which was wont to cheer the depressed, and to dilate the subdued heart of misery, these venerable, but

* The following note from Mr. Middleton to Lieutenant Francis Rutledge, dated January 20, 1782, Mr. Sheridan read—

“ Sir,

“ When this note is delivered to you by Hoolas Roy, I have to desire, that you order the two prisoners to be put in *irons*, keeping them from all food, &c. agreeably to my instructions of yesterday.

“ NATH. MIDDLETON.

unfortunate men were fated to encounter every aggravation of horror and distress. It, moreover, appears, that they were both cruelly flogged, though one was above seventy years of age. Being charged with disaffection, they vindicated their innocence.—“Tell us where are the remaining treasures,” was the reply. It is only a treachery to your immediate sovereigns, and you will then be fit associates for the representatives of British faith and British justice in India !”—Oh ! *Faith*, Oh *Justice* ! I conjure you by your sacred names to depart for a moment from this place, though it be your peculiar residence ; nor hear your names profaned by such a sacrilegious combination as that which I am now compelled to repeat ! where all the fair forms of nature and art, truth and peace, policy and honour, shrink back aghast from the deleterious shade—where all existences, nefarious and vile, have sway—where, amidst the black agents on one side, and Middleton with Impey on the other, the great figure of the piece—characteristick in his place, aloof and independent, from the puny profligacy in his train ; but far from idle and inactive, turning a malignant eye on all mischief that awaits him ; the multiplied apparatus of temporizing expedients, and intimidating instruments, now cringing on his prey, and fawning on his vengeance—now quickening the limping pace of craft, and forcing every stand that retiring nature can make to the heart : the attachments and the decorums of life ; each emotion of tenderness and honour ; and all the distinctions of national pride ; with a long catalogue of crimes and aggravations, beyond the reach of thought for human malignity to perpetrate, or human vengeance to punish ; *lower than perdition—blackier than despair* !

It might, my lords, have been hoped, for the honour of the human heart, that the Begums were themselves exempted from a share in these sufferings, and that they had been wounded only through the sides of their ministers.—The reverse of this, however, is the fact. Their palace was surrounded by a guard, which

was withdrawn by major Gilpin, to avoid the growing resentments of the people, and replaced by Mr. Middleton, through his fears of that "dreadful responsibility" which was imposed on him by Mr. Hastings. The women also, of the Khord Mahal, who were not involved in the Begums, supposed crimes; who had raised no *sub-rebellion* of their own; and who, it has been proved, lived in a distinct dwelling, were causelessly implicated, nevertheless, in the same punishment. Their residence, surrounded with guards, they were driven to despair by famine, and when they poured forth in sad procession, were beaten with bludgeons, and forced back by the soldiery, to the scene of madness which they had quitted. These are acts, my lords, which, when told, need no comment. I will not offer a single syllable to awaken your lordships, feelings; but leave it to the facts which have been stated, to make their own impression.

The inquiry which now only remains, my lords, is, whether Mr. Hastings is to be answerable for the crimes committed by his agents? It has been fully proved that Mr. Middleton signed the treaty with the superiour Begum in October 1778. He also acknowledged signing some others of a different date, but could not *recollect* the authority by which he did it. These treaties were recognised by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In that of October 1778, the Jaghire was secured, which was allotted for the support of the women in the Khord Mahal. But still the prisoner pleads, that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavouring to claim the whole infamy in those transactions, and to *monopolize* the guilt! He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this, because Mr. Hastings was on his trial, and he thought he never would be arraigned.

But, in the face of this court, and before he left the bar he was compelled to confess that it was for the *lenience* and not the *severity* of his proceedings that he had been reproved by the prisoner.

It will not, I trust, be concluded, that, because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person, ordering an act to be done by his agent, is answerable for that act with all its consequences. "*Quid facit per alium, facit per se.*" Middleton was appointed in 1777, the confidential agent—the *second self* of Mr. Hastings. The governor general ordered the measure. Even if he never saw, nor heard afterwards of its consequences he was therefore answerable for every pang that was inflicted, and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect! He commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the *Banditti* of a *Cavern*, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smoothe the compelled approaches of a son to his mother, on this occasion! His orders were peremptory. After this, my lords, can it be said, that the prisoner was ignorant of the acts, or not culpable for their consequences? It is true, he did not direct the *guards*, the *famine*, and the *bludgeons*; he did not weigh the *fetters*, nor number the *lashes* to be inflicted on his victims: but yet he is equally guilty as if he had born an active and personal share in each transaction. It is, as if he had commanded that the *heart* should be torn from the bosom, and enjoined that no *blood* should follow. He is in the same degree accountable to the *law*, to his *country*, to his *conscience*, and to his *God*!

The prisoner has endeavoured also to get rid of a part of his guilt, by observing that he was but one of the supreme council, and that all the rest had sanctioned those transactions with their approbation. Even if it were true that others did participate in the guilt, it cannot tend to diminish his criminality. But the fact is, that the council erred in nothing so much as in a reprehensible credulity given to the declarations of the governour general. They knew not a word of those transactions until they were finally concluded. It was not until the January following, that they saw the mass of falsehood which had been published under the title of "Mr. Hastings's Narrative." They were then unaccountably duped to permit a letter to pass, dated the 29th of November, intended to seduce the directors into a belief, that they had received intelligence at that time, which was not the fact. These observations, my lords, are not meant to cast any obloquy on the council. They undoubtedly were deceived, and the deceit practised on them is a decided proof of his consciousness of guilt. When tired of corporal infliction, Mr. Hastings was gratified by insulting the understanding. The coolness and reflection with which this act was managed and concerted, raises its enormity and blackens its turpitude. It proves the prisoner to be that monster in nature a *deliberate and reasoning tyrant!* Other tyrants, of whom we read, such as a Nero or a Caligula, were urged to their crimes by the impetuosity of passion. High rank disqualified them from advice, and perhaps equally prevented reflection. But in the prisoner, we have a man born in a state of mediocrity; bred to mercantile life; used to system; and accustomed to regularity; who was accountable to his masters, and therefore was compelled to think and to deliberate on every part of his conduct. It is this cool deliberation, I say, which renders his crimes more horrible, and his character more atrocious.

When, my lords, the board of directors received the advices which Mr. Hastings thought proper to transmit, though unfurnished with any other materials

to form their judgment, they expressed very strongly their doubts, and properly ordered an inquiry into the circumstances of the alleged disaffection of the Begums, declaring it at the same time to be a debt which was due to the honour and justice of the British nation. This inquiry, however, Mr. Hastings thought it absolutely necessary to elude. He stated to the council, in answer, that it would revive those animosities that subsisted between the Begums and the Vizier which had then subsided. If the former were inclined to appeal to a foreign jurisdiction, they were the best judges of their own feeling, and should be left to make their own complaint." All this, however, my lords, is nothing to the magnificent paragraph which concludes this communication. "Besides," says he, "I hope it will not be a departure from official language to say, that the *majesty of justice* ought not to be approached without solicitation. She ought not to descend to inflame or provoke, but to withhold her judgment, until she is called on to determine." What is still more astonishing is, that Sir John Macpherson, who, though a man of sense and honour, is rather oriental in his imagination, and not learned in the *Sublime* and *Beautiful* from the immortal leader of this prosecution, was caught by this bold bombastick quibble, and joined in the same words, "that the *majesty of justice* ought not to be approached without solicitation." But, my lords, do you, the judges of this land, and the expounders of its rightful laws, do you approve of this mockery, and call it the character of justice, which takes the *form of right* to excite *wrong*? No, my lords, *justice* is not this halt and miserable object; it is not the ineffective bauble of an Indian pagod; it is not the portentous phantom of despair; it is not like any fabled monster, formed in the eclipse of reason, and found in some unhallowed grove of superstitious darkness, and political dismay! No, my lords. In the happy reverse of all this, I turn from the disgusting caricature to the *real image*! *Justice* I have now before me *august* and *pure*! the abstract

idea of all that would be perfect in the spirits and the aspirings of men! where the mind rises, where the heart expands; where the countenance is ever placid and benign; where her favourite attitude is to stoop to the unfortunate; to hear their cry and to help them; to rescue and relieve, to succour and save: majestick, from its mercy; venerable, from its utility; uplifted, without pride; firm, without obduracy; beneficent in each preference; lovely, though in her frown!

"*On that justice I rely:* deliberate and sure, abstracted from all party purpose and political speculation, not on words, but on facts. You, my lords, who hear me, I conjure, by those rights it is your best privilege to preserve; by that fame it is your best pleasure to inherit; by all those feelings which refer to the first term in the series of existence, the *original compact* of our nature—our *controlling rank* in the creation——This is the call on all, to administer to truth and equity, as they would satisfy the laws and satisfy themselves—with the most exalted bliss, possible or perceivable for our nature, the *self-approving consciousness of virtue*, when the condemnation we look for will be one of the most ample mercies accomplished for mankind since the creation of the world!——My lords, I have done.

END OF THE FIRST VOLUME.

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